

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE PHILADELPHIA AREA—Part 3

*U. S. Congress. House. Committee on
Un-American Activities.*

HEARING

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES HOUSE OF REPRESENTATIVES

EIGHTY-THIRD CONGRESS

SECOND SESSION

FEBRUARY 16, 1954

Printed for the use of the Committee on Un-American Activities

INCLUDING INDEX

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121 STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.
(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 83D CONGRESS

House Resolution 5, January 3, 1953

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

* * * * *

(q) Committee on Un-American Activities, to consist of nine members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

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CONTENTS

Testimony of—	Page
Miss Delphia Augenblick.....	3901
Mrs. Angelina Intille.....	3904
Mrs. Eleanor Fleet.....	3911
Francis P. Jennings.....	3917
Samuel Drasin.....	3929
Wesley Randall.....	3931
Abraham Egnal.....	3933
Harry Nathan Dubin.....	3937
Wilbur Lee Mahaney, Jr.....	3942
Index.....	3969

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE PHILADELPHIA AREA—PART 3

TUESDAY, FEBRUARY 16, 1954

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE ON
UN-AMERICAN ACTIVITIES,
Washington D. C.

PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10:40 a. m., in the caucus room 362, Old House Office Building, Hon. Gordon H. Scherer presiding.

Committee members present: Representatives Gordon H. Scherer (presiding) and Francis E. Walter (appearance noted in transcript).

Staff members present: Robert L. Kunzig and Frank S. Tavenner, Jr., counsel; Raphael I. Nixon, director of research; Earl L. Fuoss and George E. Cooper, investigators; and Thomas W. Beale, Sr., chief clerk.

Mr. SCHERER. The committee will be in session.

Let the record show that the hearing this morning is a continuation of the hearings held in Philadelphia, Pa., on November 16, 17, and 18, 1953.

Let the record also show that the Honorable Harold H. Velde, chairman of the House Un-American Activities Committee, has appointed a subcommittee consisting of Representative Francis E. Walter and Representative Gordon H. Scherer for the purpose of conducting the hearing this morning. I understand Mr. Walter will be here any minute, but Mr. Kunzig will proceed.

Mr. KUNZIG. Miss Augenblick.

(Representative Francis E. Walter entered the hearing room at this point.)

Mr. SCHERER. Will the witness rise and raise your right hand.

You do solemnly swear that the testimony you are about to give before this subcommittee shall be the truth, the whole truth and nothing but the truth, so help you God?

Miss AUGENBLICK. I do.

Mr. SCHERER. You will be seated.

Mr. Counsel, you will proceed.

TESTIMONY OF DELPHIA AUGENBLICK, ACCOMPANIED BY HER COUNSEL, DAVID BERGER

Mr. KUNZIG. Would you state your full name, please?

Miss AUGENBLICK. Delphia Augenblick.

Mr. KUNZIG. Will you please spell your name for the reporter.

Miss AUGENBLICK. D-e-l-p-h-i-a A-u-g-e-n-b-l-i-c-k.

Mr. KUNZIG. Is it Miss or Mrs.?

Miss AUGENBLICK. Miss.

Mr. KUNZIG. I note you are accompanied by counsel.

Will you please state your name and office address for the record?

Mr. BERGER. David Berger, 1516 Girard Trust Building, Philadelphia 2, Pa.

Mr. SCHERER. How does the witness spell her last name, Mr. Kunzig?

Miss AUGENBLICK. A-u-g-e-n-b-l-i-c-k.

Mr. KUNZIG. Thank you, Miss Augenblick.

Would you state your address, please, Miss Augenblick?

Miss AUGENBLICK. 2020 Walnut Street, Philadelphia.

Mr. KUNZIG. Would you give the committee a brief résumé of your educational background?

Miss AUGENBLICK. I am a graduate of the Nanticoke High School, Nanticoke, Pa.; the Bloomsburg Normal School, which is now Teachers State College, and I have taken work at colleges in Philadelphia to get a degree.

Mr. KUNZIG. What degree do you have?

Miss AUGENBLICK. I have not a degree from college. I have a bachelor's equivalent from the Philadelphia school system.

Mr. KUNZIG. Miss Augenblick, would you give the committee a brief résumé of your employment background?

Miss AUGENBLICK. I substituted for a short time in Nanticoke.

Mr. KUNZIG. About when was that?

Miss AUGENBLICK. In 1918. I took the examination in Philadelphia schools in 1920, and I have been teaching here in Philadelphia since.

Mr. KUNZIG. In which Philadelphia schools have you taught?

Miss AUGENBLICK. Watts was one; C. O. Nichol School—I think it has been abandoned; the Hoffman School; the Southwark School.

Mr. KUNZIG. Is that S-o-u-t-h-w-a-r-k?

Miss AUGENBLICK. Yes.

The Hartranft School.

Mr. KUNZIG. There are elementary schools, are they, Miss Augenblick?

Miss AUGENBLICK. Yes; and now my present school is Stokley.

Mr. KUNZIG. You are now teaching at the Stokley School?

Miss AUGENBLICK. That is right.

Mr. KUNZIG. And what grade do you teach there?

Miss AUGENBLICK. The first grade.

Mr. KUNZIG. You teach the first grade at the Stokley School?

Miss AUGENBLICK. Yes. I do not teach strictly first grade; I teach a cycle. I start the children in first grade and keep them 20 months. They go to 3-A when they leave me. It is a practice I have been observing the last 2 years.

Mr. KUNZIG. Miss Augenblick, we have testimony that you were a delegate to the city committee of the Communist Party from branch 8-A of section 8 of the Communist Party in Philadelphia in 1943. Is that correct?

(At this point Miss Augenblick conferred with Mr. Berger.)

Miss AUGENBLICK. Upon advice of counsel, I respectfully decline to answer that question on the grounds of the fifth amendment.

Mr. SCHERER. What was the question?

Will you read it again?

Mr. KUNZIG. Will the reporter read back the question, please.

(The question was read by the reporter.)

Mr. WALTER. Now, at this point, Mr. Chairman, I would like to ask a question.

The occurrence that you have been interrogated about was 1943; is that right?

Mr. KUNZIG. Yes, sir.

Mr. WALTER. Well, let's assume that you were a member of the Communist Party in 1943. How could any testimony now possibly incriminate you?

Mr. BERGER. May I answer that, sir?

Mr. WALTER. No; you are not the witness.

(At this point Miss Augenblick conferred with Mr. Berger.)

Miss AUGENBLICK. I am acting entirely on advice of my counsel.

Mr. WALTER. In other words, the answer you have given has been on the advice of your counsel and it is not your own considered reason for not answering, is that it?

(At this point Miss Augenblick conferred with Mr. Berger.)

Miss AUGENBLICK. I have considered it, and on the basis of the law as told to me by my counsel I must invoke the fifth amendment.

Mr. WALTER. Now, you don't have to. You said "I must." You are not under any compulsion. You just choose not to answer on the grounds you stated?

Miss AUGENBLICK. I respectfully plead the fifth amendment.

Mr. WALTER. We have reason to believe that you could make a great contribution toward the work of this committee, and I am terribly disappointed that you have decided not to cooperate with us. I assure you that we don't enjoy what we are doing. It certainly gives me no pleasure to find that in our midst in this great Republic there are those who don't think enough about preserving it to assist. It is disappointing, but we do have reason to believe that you can help us.

Now, if you are assured that no attempt would be made to bring any prosecution against you for any reason at all, would you then assist this committee?

(At this point Miss Augenblick conferred with Mr. Berger.)

Miss AUGENBLICK. On the basis of the law as I understand it, I feel that I am unable to answer that question now.

Mr. WALTER. Because the law is what it is, you feel that you are unable to answer that question?

(No response.)

Mr. WALTER. All right, Mr. Kunzig.

Mr. KUNZIG. Yes, sir.

Have you ever been, Miss Augenblick, membership director of the special group section of section 8 of the Communist Party in Philadelphia?

(At this point Miss Augenblick conferred with Mr. Berger.)

Miss AUGENBLICK. On advice of counsel I must respectfully decline to answer on the grounds of the fifth amendment.

Mr. KUNZIG. We have sworn testimony, Miss Augenblick, that in 1944 you held Communist Party membership book No. 78312 in Philadelphia. Did you ever hold such membership book?

(At this point Miss Augenblick conferred with Mr. Berger.)

Miss AUGENBLICK. On advice of counsel I must respectfully decline to answer that question.

Mr. KUNZIG. We also have sworn testimony that in 1945 you held Communist Party membership book No. 87597. Did you ever hold such membership book in 1945 in the Communist Party?

(At this point Miss Augenblick conferred with Mr. Berger.)

Miss AUGENBLICK. On advice of counsel I must respectfully decline to answer that on the grounds of the fifth amendment.

Mr. SCHERER. If you had not held such a membership card as Mr. Kunzig related, would you answer the question and so state?

(At this point Miss Augenblick conferred with Mr. Berger.)

Miss AUGENBLICK. Upon advice of my counsel I must respectfully decline to answer your question on the grounds of the fifth amendment.

Mr. KUNZIG. Miss Augenblick, have you ever been a member of the Communist Party?

(At this point Miss Augenblick conferred with Mr. Berger.)

Miss AUGENBLICK. Upon advice of my counsel I must respectfully decline to answer the question on the grounds of the fifth amendment.

Mr. KUNZIG. Mr. Chairman and Mr. Walter, I have no further questions.

Mr. WALTER. I have no questions.

Mr. SCHERER. The witness is excused.

Mr. KUNZIG. May I have a 1-minute break?

(There was a brief interruption.)

Mr. KUNZIG. Mrs. Angelina Intille, please.

Mr. SCHERER. Are you ready, Mr. Kunzig?

Mr. KUNZIG. Yes, sir.

Mr. SCHERER. Will the witness rise and be sworn.

You do solemnly swear that the testimony you are about to give at this hearing shall be the truth, the whole truth and nothing but the thrth, so help you God?

Mrs. INTILLE. I do.

TESTIMONY OF ANGELINA INTILLE, ACCOMPANIED BY HER COUNSEL, LOIS FORER

Mr. KUNZIG. Will you state your name, please?

Mrs. INTILLE. Angelina Intille.

Mr. KUNZIG. Will you please spell your name for the record?

Mrs. INTILLE. I-n-t-i-l-l-e.

Mr. SCHERER. I am sorry, but as we explained to the previous witness, we do not have a loudspeaker system and it is difficult to hear. Would you mind talking a little louder?

Mrs. INTILLE. I will try.

Angelina, A-n-g-e-l-i-n-a—

Mr. KUNZIG. And the last name is I-n-t—

Mrs. INTILLE. -i-l-l-e.

Mr. SCHERER. I am sorry.

Will you give that to me, Mr. Counsel?

Mr. KUNZIG. Angelina, A-n-g-e-l-i-n-a, Intille, I-n-t-i-l-l-e.

Is that Miss?

Mrs. INTILLE. Mrs.

Mr. KUNZIG. I see that you are accompanied by counsel, Mrs. Intille.

Will counsel please state her name and office address for the record.

Mrs. FORER. Lois Forer, F-o-r-e-r, 1415 Walnut Street, Philadelphia.

Mr. KUNZIG. What is your present address, Mrs. Intille?

Mrs. INTILLE. 7123 Horricks Street, H-o-r-r-a-c-k-s.

Mr. KUNZIG. In Philadelphia?

Mrs. INTILLE. Yes.

Mr. KUNZIG. Would you give the committee a brief résumé of your educational background?

Mrs. INTILLE. I graduated from the Philadelphia Normal School.

Mr. KUNZIG. When was that?

Mrs. INTILLE. In 1932. And I was married after that; had three children; but that is all the educational background.

Mr. KUNZIG. I see. And then could you give the committee a brief résumé of your employment, your teaching employment?

Mrs. INTILLE. Well, I have worked for the board for the last 6 years, 6½ years.

Mr. SCHERER. In what capacity did you work for the board of education?

Mrs. INTILLE. As an elementary school teacher.

Mr. SCHERER. As an elementary school teacher.

Mr. KUNZIG. What schools have you taught in during this period of time?

Mrs. INTILLE. I taught at the Comly School.

Mr. KUNZIG. Have you always been at the same school?

Mrs. INTILLE. Well, yes, I got my appointment there and have been there ever since.

Mr. KUNZIG. And that is where you are now?

Mrs. INTILLE. Yes.

Mr. KUNZIG. At the Comly School. What grade do you teach there?

Mrs. INTILLE. Fourth grade.

Mr. KUNZIG. Fourth grade. Do you know Bessie Stensky, S-t-e-n-s-k-y?

(At this point Mrs. Intille conferred with Mrs. Forer.)

Mrs. INTILLE. I am here to cooperate with you and help you in any way I can, but I will not answer questions about anyone but myself.

Mr. WALTER. Now, you have been asked a question if you know somebody. Do you or don't you know her? That is a very simple question to answer.

(At this point Mrs. Intille conferred with Mrs. Forer.)

Mrs. INTILLE. I decline to answer that on the grounds of the fifth amendment.

Mr. SCHERER. Now, I can't see, Witness, how that fact might tend to incriminate you, so the Chair will direct you to answer the question. (At this point Mrs. Intille conferred with Mrs. Forer.)

Mrs. INTILLE. I'll tell you, I am willing to cooperate with you, but—

Mr. SCHERER. Will you talk a little louder?

Mrs. INTILLE. I am willing to help you, but I don't see how asking me about someone else will help you.

Mr. WALTER. That is up to us to determine whether or not these questions are relevant and material. You have been asked a very simple question.

(At this point Mrs. Intille conferred with Mrs. Forer.)

Mrs. INTILLE. I will not answer anything in this line of inquiry under the fifth amendment.

Mr. SCHERER. Again I direct you to answer the question.

Mrs. FORER. Mr. Kunzig, is she directed under penalty of contempt for failure to answer this?

Mr. SCHERER. Well, that is, of course, the purpose of the Chair's directing her to answer the question, because we feel that she has not properly invoked the fifth amendment.

(At this point Mrs. Intille conferred with Mrs. Forer.)

Mrs. FORER. May we have a clarification from the chairman with respect to this direction? The witness has stated that in her opinion—

Mr. SCHERER. Would you talk just a little louder? The Chair cannot hear you.

Mrs. FORER. May we have a clarification? The witness has stated that this line of questioning with respect to other persons may lead to a chain of inquiry which might tend to incriminate her.

Mr. WALTER. She didn't say anything of the sort. She may have been thinking about it and been instructed to say it, but she never said that at all.

Mrs. FORER. I beg your pardon.

Mrs. INTILLE. I thought I had.

Mr. WALTER. She didn't state that.

Mrs. FORER. Please so state for the record.

Mrs. INTILLE. I feel that this line of inquiry may tend to incriminate me and, therefore, I invoke the fifth amendment.

Mr. WALTER. You feel that because you have been asked if you know whoever it is and you admit that you know that person, you might be prosecuted criminally for knowing somebody?

(At this point Mrs. Intille conferred with Mrs. Forer.)

Mrs. INTILLE. It might lead to a chain of inquiry.

Mr. WALTER. Yes, but you can't anticipate what the chain of inquiry will be.

Suppose we stop right here, now. We have asked you if you know somebody, and you have declined to answer on the grounds it might incriminate you. Suppose we didn't ask you another question. You don't know whether there are going to be any other questions asked or not, nor do I.

Mrs. FORER. Mr. Kunzig, is the witness directed to answer this question?

Mr. KUNZIG. She has been directed to answer under penalty of contempt, as is always the case.

(At this point Mrs. Intille conferred with Mrs. Forer.)

Mrs. INTILLE. Since I am directed to answer, I am acquainted with such a person.

Mr. KUNZIG. You are acquainted with Bessie Stensky?

Mrs. INTILLE. That is right.

Mr. KUNZIG. How long have you known Bessie Stensky?

(At this point Mrs. Intille conferred with Mrs. Forer.)

Mrs. INTILLE. I decline to answer this on the grounds of the fifth amendment.

Mr. KUNZIG. Mr. Chairman, I respectfully request that the witness be directed to answer this question, which was, how long have you known Bessie Stensky.

Mr. SCHERER. Well, I am not going to direct the witness to answer that, Mr. Kunzig, because I think that she properly invoked the fifth amendment when she said she felt that saying whether she knew this individual or not might lead to a chain of circumstances that might incriminate her.

Mr. KUNZIG. Did you ever attend a meeting of the Philadelphia Council of Arts, Sciences, and Professions, at the Broadwood Hotel on January 30, 1953, together with Bessie Stensky and one Eleanor Fleet?

I might add, Mr. Chairman, Bessie Stensky is a witness subpoenaed for tomorrow before this committee, and Eleanor Fleet is subpoenaed for today, and the Philadelphia Council of Arts, Sciences, and Professions, part of the national council, is a cited Communist-front organization.

(At this point Mrs. Intille conferred with Mrs. Forer.)

Mrs. INTILLE. I decline to answer that question on the grounds of the fifth amendment.

Mr. KUNZIG. Now, when asked whether you knew Bessie Stensky, you answered "yes." I now ask you, do you know Eleanor Fleet?

Mrs. INTILLE. I decline to answer that question on the grounds of the fifth amendment.

Mr. KUNZIG. Are you going to direct her to answer?

Mr. SCHERER. No; I am not going to direct her to answer.

Mr. WALTER. I think that is entirely immaterial. You ask a question and it isn't answered. What difference does it make if you direct them or not?

Mr. KUNZIG. All right.

Have you ever been a member of the Communist Party?

(At this point Mrs. Intille conferred with Mrs. Forer.)

Mrs. INTILLE. I decline to answer that question on the grounds of the fifth amendment.

Mr. KUNZIG. I have no further questions, Mr. Chairman.

Mr. SCHERER. Do you have any questions?

Mr. WALTER. When did you start to work for the Philadelphia School Board first?

Mrs. INTILLE. Do you mean before I was a regular teacher?

Mr. WALTER. Yes.

Mrs. INTILLE. Well, I substituted when I first got out of Normal School.

Mr. WALTER. When was that?

Mrs. INTILLE. 1932.

Mr. WALTER. Were you a Communist then?

(At this point Mrs. Intille conferred with Mrs. Forer.)

Mrs. INTILLE. I refuse to answer that question on the grounds of the fifth amendment.

Mr. WALTER. When did you receive your first permanent appointment as a school teacher?

Mrs. INTILLE. About 6 years ago, 6½ years ago.

Mr. WALTER. Nineteen forty what, 1947, 1946?

Mrs. INTILLE. I guess it was in about 1948.

Mr. WALTER. Were you a member of the Communist Party at that time?

Mrs. INTILLE. I refuse to answer that question on the grounds of the fifth amendment.

Mr. WALTER. All right.

Mr. SCHERER. I would like to follow Mr. Walter's question with 1 or 2 questions, Witness.

Did you make any application or fill out any forms in connection with your obtaining the position that you did with the Philadelphia Board of Education?

Mrs. INTILLE. Well, the regular form that they give to anyone that applies.

Mr. SCHERER. On any of those applications were you asked whether or not you were a member of the Communist Party?

Mr. INTILLE. I don't remember.

Mr. SCHERER. You don't remember?

Mrs. INTILLE. I don't remember.

(At this point Mrs. Intille conferred with Mrs. Forer.)

Mrs. INTILLE. Any answer I made to the school board was made in good faith.

Mr. SCHERER. Well, was it a truthful answer at the time you made it?

Mrs. INTILLE. Yes, absolutely.

Mr. SCHERER. Do you recall making any application or applications for your position?

(At this point Mrs. Intille conferred with Mrs. Forer.)

Mrs. INTILLE. The only questionnaire that I remember——

Mr. SCHERER. Will you talk a little louder?

Mrs. INTILLE. The only questionnaire that I remember having to sign about organizations was the Pechan loyalty oath.

Mr. SCHERER. I can't hear you.

Mrs. INTILLE. The only such questionnaire was the Pechan loyalty oath which I took and signed in good faith.

Mr. SCHERER. And when did you sign the Pechan loyalty oath?

Mrs. INTILLE. That I believe was in 1952.

Mr. SCHERER. And when you signed that application, at that time were you a member of the Communist Party?

Mrs. INTILLE. I was not.

Mr. WALTER. Well, now, why are you willing to answer that question, you were not a member of the Communist Party at that time, and then you refuse to answer the question of whether or not you were a member of the Communist Party when you received your appointment?

(At this point Mrs. Intille conferred with Mrs. Forer.)

Mrs. INTILLE. I have signed that and that is a public record and, therefore, I feel that I can state here the same thing. I took that in good faith, and it is on public record, but I feel that I——

Mr. SCHERER. Well, at the time that you took that oath, did you state affirmatively that you were not a member of the Communist Party at that time?

Mrs. INTILLE. Yes.

Mr. SCHERER. Did you state that you have never been a member of the Communist Party?

Mrs. INTILLE. That question was not asked.

Mr. SCHERER. Did you resign from the Communist Party because you knew you had to take that oath?

(At this point Mrs. Intille conferred with Mrs. Forer.)

Mrs. INTILLE. I never said that I was.

Mr. SCHERER. Well, I ask you, were you ever a member of the Communist Party?

(At this point Mrs. Intille conferred with Mrs. Forer.)

Mrs. INTILLE. I decline to answer that.

Mr. SCHERER. Well, were you a member of the Communist Party a week before you took the oath?

Mrs. INTILLE. I decline to answer that question on the grounds of the fifth amendment.

Mr. SCHERER. Were you a member of the Communist Party a day before you took the oath?

Mrs. INTILLE. I decline to answer that on the fifth amendment.

Mr. SCHERER. Isn't it a fact that you resigned because you knew you had to take that oath?

Mrs. INTILLE. I never said I was.

Mr. SCHERER. This loyalty oath that you took was in writing, was it not, and you subscribed to that oath?

Mrs. INTILLE. Oh, yes.

Mr. SCHERER. And you swore before a notary public?

Mrs. INTILLE. Yes, I did.

Mr. SCHERER. And you say that in no place in that oath did it inquire as to whether or not you were formerly a member of the Communist Party or a member of a subversive organization or an organization which advocated the overthrow of the Government of the United States by force and violence?

Mrs. INTILLE. No; that is right.

Mr. SCHERER. And, as I understand it, you have refused to state, on the basis of the fifth amendment, whether or not you were a member of the Communist Party the day before you took that oath?

Mrs. INTILLE. That is correct.

Mr. SCHERER. Did you send——

(At this point Mrs. Intille conferred with Mrs. Forer.)

Mr. SCHERER. Any communication to the Communist Party resigning from the Communist Party?

Mrs. INTILLE. I never said that I was in the Communist Party.

Mr. SCHERER. I understand that, but I am asking you the question.

Mrs. INTILLE. You can't assume that. I have never said it.

Mr. SCHERER. You can answer my question by either invoking the fifth amendment or denying——

Mrs. INTILLE. I decline to answer that question on the grounds of the fifth amendment.

Mr. SCHERER. You decline to answer on the basis of the fifth amendment as I understand it?

Mr. INTILLE. That is right.

(At this point Mrs. Intille conferred with Mrs. Forer.)

Mr. SCHERER. I have no further questions.

Do you have any questions, Mr. Kunzig?

Mr. KUNZIG. No.

Mr. SCHERER. The witness is excused.

¶ Mrs. FORER. I would like the record to show that this witness offered at the beginning of her testimony to give any information respecting herself which this committee was interested in, but——

Mr. WALTER. Then why didn't she?

Mrs. FORER. But that she, in view of the fact that one individual has incomplete and inaccurate knowledge about other persons, declined to answer questions with respect to other questions; that if this committee were interested in obtaining information respecting her alone she would waive her rights and privileges under the Constitution, and I understood from——

Mr. WALTER. I am sure the record shows that there wasn't one question that she could have really refused to answer without invoking the fifth amendment. She was asked only about herself.

Mr. SCHERER. Of course, Counsel, we can't possibly, for many reasons that it would take too long to explain, enter into such an agreement with the witness.

The Supreme Court, as perhaps you know, has said that she can invoke the fifth amendment so far as any questions which she is asked which might tend to incriminate her, but she cannot invoke the fifth amendment with reference to any knowledge she might have concerning third persons, even though what information she might give us might incriminate those third parties.

You understand that to be the law?

Mrs. FORER. I understand, and the witness understands. She was willing to waive her rights under the Constitution with reference to herself. If the committee were interested in finding out any information about her——

Mr. WALTER. We are.

I am only going to ask one question—one question, not about anybody else, just her.

Have you ever been a member of the Communist Party?

Mrs. FORER. Mr. Walter, will the record——

Mr. WALTER. Now, I have asked the witness a question.

Mrs. FORER. I would like, before the witness answers, I would like the record to show whether or not there will be any further questions.

Mr. WALTER. No; there are going to be no further questions.

Have you ever been a member of the Communist Party?

(At this point Mrs. Intille conferred with Mrs. Forer.)

Mrs. FORER. Mr. Kunzig, is this an agreement of this committee——

Mr. WALTER. We are making no agreements whatsoever. I have asked the witness a question, a very simple question, too.

Mrs. FORER. Mr. Walter, this witness——

Mr. WALTER. I don't propose to get into an argument with counsel. I have asked the witness a question.

Mrs. FORER. I cannot advise the witness unless I have——

Mr. WALTER. I haven't asked you any questions, anything. I asked the witness a question. You can advise your client.

Mrs. FORER. The witness has requested advice, and I cannot give it to her unless——

Mr. WALTER. Give it to her, not to me.

Mrs. FORER. I am requesting information from you, sir. The witness would like to know if the committee will agree not to ask her anything more.

Mr. WALTER. I don't propose to get into any argument with you. I have asked the witness a question.

(At this point Mrs. Intille conferred with Mrs. Forer.)

Mrs. INTILLE. Will this committee agree to ask me no further questions?

Mr. SCHERER. No. As I explained to you, we can't make such agreements.

Mrs. INTILLE. Then I am going to have to decline to answer that on the grounds of the fifth amendment.

Mr. WALTER. I am not surprised.

Mr. SCHERER. No further questions. The witness is excused.

Mr. KUNZIG. Eleanor Fleet.

Mr. SCHERER. Will the witness rise and be sworn.

You do solemnly swear the testimony you are about to give at this hearing shall be the truth, the whole truth and nothing but the truth, so help you God?

Mrs. FLEET. I do.

Mr. SCHERER. Proceed, Mr. Counsel.

TESTIMONY OF ELEANOR FLEET, ACCOMPANIED BY HER COUNSEL, W. R. LORRY

Mr. KUNZIG. Would you state your name, please, for the record?

Mrs. FLEET. Eleanor Fleet.

Mr. KUNZIG. Is that Miss or Mrs.?

Mr. SCHERER. I am sorry, but would you talk a little louder? I didn't hear.

Mrs. FLEET. Eleanor Fleet.

Mr. KUNZIG. That is Mrs. Eleanor Fleet?

Mrs. FLEET. Right.

Mr. KUNZIG. Would you, counsel, please state your name and office address for the record.

Mr. LORRY. W. R. Lorry, L-o-r-r-y, 1415 Walnut Street, Philadelphia 2.

Mr. KUNZIG. Would you give your present address, please, Mrs. Fleet?

Mrs. FLEET. 7621 Brockelhurst Street.

Mr. KUNZIG. Is that Philadelphia?

Mrs. FLEET. Yes.

Mr. KUNZIG. Would you give the committee a brief résumé of your educational background?

Mrs. FLEET. I went to William Penn High School, and graduated in 1926. From there I went to the University of Pennsylvania and graduated in 1930.

Mr. KUNZIG. You graduated from the University of Pennsylvania in 1930?

Mrs. FLEET. Yes.

Mr. KUNZIG. And is that the completion of your formal education?

Mrs. FLEET. Well, I took a number of other courses, graduate courses.

Mr. KUNZIG. Then would you give the committee a brief résumé of your employment?

Mrs. FLEET. I have been employed by the Board of Education since 1930.

Mr. SCHERER. Board of Education of what city?

Mrs. FLEET. Of Philadelphia.

Mr. SCHERER. Philadelphia?

Mrs. FLEET. Yes.

Mr. KUNZIG. And in what capacities have you been employed by the Board of Education?

Mrs. FLEET. As a teacher.

Mr. KUNZIG. Where have you taught, Mrs. Fleet?

Mrs. FLEET. I started teaching in Gratz High School, until I went out on maternity leave in 1940.

Mr. KUNZIG. What did you teach at Gratz High School?

Mrs. FLEET. I taught stenography and typewriting.

Mr. KUNZIG. I see. And then after your maternity leave, where did you teach?

Mrs. FLEET. I went to South Philadelphia High School, until I went out on maternity leave again.

Mr. KUNZIG. And was that for boys or girls?

Mrs. FLEET. Girls.

Mr. KUNZIG. South Philadelphia for girls?

Mrs. FLEET. That is right.

Mr. KUNZIG. Where after that did you teach?

Mrs. FLEET. After that I went back to South Philadelphia, and then I transferred to Olney High School from where I was suspended when this committee came to town last.

Mr. KUNZIG. How long have you been at Olney High School?

Mrs. FLEET. I guess about 4 years.

Mr. KUNZIG. And you are at present at Olney High School—until, as you say, you were recently suspended?

Mrs. FLEET. Yes.

Mr. KUNZIG. Have you ever been a member of the Communist Party, Mrs. Fleet?

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I decline to answer under protection of the fifth amendment of the Constitution.

Mr. KUNZIG. Did you ever live at the Carl Mackley apartment house, or apartments?

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. Yes.

Mr. KUNZIG. We have testimony that you have held Communist Party meetings in your apartment at that apartment house; is that correct?

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I decline to answer under the protection of the fifth amendment.

Mr. KUNZIG. Isn't it a fact that you held such a meeting on September 4, 1942, and that you came from Atlantic City to hold this Communist Party meeting in your apartment house?

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I decline to answer under the protection of the fifth amendment.

Mr. KUNZIG. Did you ever sign nominating petitions for the Communist Party?

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I decline to answer under the protection of the fifth amendment.

Mr. KUNZIG. We normally, Mr. Chairman, don't go into questions about husband and wife, but this is a different situation here. This is a personal question with regard to this witness.

Subject's husband, it is our information, has been a candidate for the United States Senate in 1938 on the Communist Party ticket.

I want to ask you, did you support your husband for the United States Senate on the Communist Party ticket?

Mrs. FLEET. I decline to answer on the ground of the fifth amendment.

Mr. SCHERER. Was your husband such a candidate——

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mr. SCHERER. Counsel, wait until I finish my question before you consult with her.

Was you husband such a candidate?

Mr. LORRY. I thought you had finished.

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I decline to answer on the ground of the fifth amendment.

Mr. SCHERER. I direct the witness to answer, because I can't see how the answer would incriminate this witness.

Mr. LORRY. I submit, sir, this being a husband and wife relationship, the matter of association, the matter of——

Mr. WALTER. Well, it is a matter of public record. Why bother with it?

Mr. LORRY. Then why ask?

Mr. WALTER. The record shows he was a candidate, doesn't it?

Mr. LORRY. I don't know, sir.

Mr. WALTER. Does it, Mr. Kunzig?

Mr. KUNZIG. Our record shows that, yes, sir.

Mr. LORRY. I am willing to accept Mr. Kunzig's statement.

Mr. SCHERER. Let the record show that our records indicate he was such a candidate.

I still say, I direct the witness to answer the question as to whether she knows whether he was or not.

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I never heard of that.

Mr. LORRY. The witness has answered, sir, that she never heard of that.

Mr. SCHERER. When did you marry?

Mrs. FLEET. 1932; 21 years.

Mr. LORRY. It is not unusual, sir, that this committee knows more than some of the witnesses know.

Mr. WALTER. No, it is not unusual that husbands get away with things, but I just couldn't conceive of a husband getting away with that.

Mr. SCHERER. Well, do you know whether your husband was a candidate for office at any time?

Mrs. FLEET. No, I never heard of it.

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I never heard of it. I am sure it is not true.

Mr. KUNZIG. Were you a member of the North Philadelphia group, section 8, of eastern Pennsylvania and Delaware?

Mrs. FLEET. I decline to answer under the protection of the fifth amendment.

Mr. KUNZIG. We have sworn testimony that you held Communist Party Membership Book No. 78367 in 1944. Is that correct?

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I decline to answer under the protection of the fifth amendment.

Mr. KUNZIG. In 1945—

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mr. KUNZIG. Mrs. Fleet, we have sworn testimony that you held Communist Party Membership Book No. 87625. Is that correct?

Mrs. FLEET. I decline to answer under protection of the fifth amendment.

Mr. WALTER. What was the number, if that is a wrong number?

Mrs. FLEET. I thought I answered that.

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I decline to answer that under protection of the fifth amendment.

Mr. KUNZIG. Were you ever membership director of the North Philadelphia branch of the professional section of the Communist Political Association? This would have been in or about 1945.

Mrs. FLEET. I decline to answer under protection of the fifth amendment.

Mr. KUNZIG. We have testimony that you were a member of the Communist Party, Mrs. Fleet, as recently as 1950. Is that correct?

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I decline to answer under protection of the fifth amendment.

Mr. WALTER. What was that date?

Mr. KUNZIG. 1950.

Mr. WALTER. What date?

Mr. KUNZIG. We just have the year, that she was a member of the party as recently as 1950.

Mr. WALTER. Is that since the North Koreans moved into South Korea? Is that the date you are fixing?

Mr. KUNZIG. No.

Mr. WALTER. What about 1951?

Mr. KUNZIG. Were you a member of the Communist Party in 1951?

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I decline to answer under the protection of the fifth amendment.

Mr. KUNZIG. Do you know Angelina Intille, who testified here earlier today?

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I decline to answer under the protection of the fifth amendment.

Mr. KUNZIG. Do you know Bessie Stensky?

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I decline to answer under the protection of the fifth amendment.

Mr. KUNZIG. On January 30, 1953, did you attend a meeting of the Philadelphia Council of Arts, Sciences, and Professions, at Town Hall, 150 North Broad Street, in Philadelphia, in the company of Angelina Intille and Bessie Stensky?

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I decline to answer that under the protection of the fifth amendment.

Mr. KUNZIG. I have no further questions, Mr. Chairman.

This meeting was under the sponsorship, Mr. Walter, of a cited Communist-front group.

Mr. WALTER. What was the date of that?

Mr. KUNZIG. The date of the meeting was January 30, 1953.

Mr. WALTER. Did you attend a meeting January 30, 1953, the meeting described by Mr. Kunzig?

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I decline to answer under the protection of the fifth amendment.

Mr. WALTER. That is all.

Mr. SCHERER. I direct the witness to answer. How could that possibly incriminate you?

Mr. LORRY. That could incriminate her, Mr. Congressman, under the Supreme Court decisions.

Mr. WALTER. We are acquainted with those decisions.

Mr. SCHERER. I am directing the witness to answer the question.

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. Since Mr. Kunzig has stated this is a subversive group, I decline to answer this under the protection of the fifth amendment, on the advice of counsel.

Mr. SCHERER. Let me ask you, Mrs. Fleet, did you ever make an application for employment with the Philadelphia School Board?

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I imagine I did. I don't remember anything.

Mr. SCHERER. You have no independent recollection?

Mrs. FLEET. No.

Mr. SCHERER. Did you ever take the loyalty oath prescribed by the State of Pennsylvania?

Mrs. FLEET. Yes.

Mr. SCHERER. Do you recall when you took that loyalty oath?

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. March 1952.

Mr. SCHERER. March 1952.

Was that a written oath to which you subscribed?

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. Yes.

Mr. SCHERER. Do you remember whether or not that oath asked whether or not you were a member of the Communist Party?

Mrs. FLEET. I don't think it did.

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I don't remember.

Mr. SCHERER. May I ask whether or not you were ever a member of any organization, group, or party which advocated the overthrow of the Government of the United States by force and violence?

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mr. LORRY. I don't know what you are asking.

Mr. SCHERER. I don't see how the witness can possibly hear the question with you talking to her before I get half way through.

Mr. LORRY. All right, Mr. Congressman.

Mr. SCHERER. Will you please read the question?

(The reporter read the question.)

Mr. LORRY. I thought your question was with regard to the Pechan oath, sir. The question the reporter read——

Mr. SCHERER. That is because you weren't paying any attention, but were talking to her at that time.

Mr. LORRY. That may be so. I am sorry, sir. That may be so.

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I refuse to answer that on the ground of the fifth amendment.

Mr. SCHERER. On the day you took that loyalty oath were you a member of the Communist Party?

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. No; of course not.

Mr. SCHERER. Were you a member of the Communist Party the day before?

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I refuse to answer this on the ground of the fifth amendment.

Mr. SCHERER. Did you resign specifically so you could take that oath?

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I refuse to answer that, and I do not accept the implications that you make.

Mr. SCHERER. Well, were you a member of the Communist Party a week before you took that oath?

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I decline to answer on the ground of the fifth amendment; same reason.

Mr. SCHERER. Well, have you ever been a member of the Communist Party since you took the oath?

Mrs. FLEET. No; of course not.

Mr. SCHERER. Were you a member of the Communist Party the day after you took the oath?

Mrs. FLEET. No.

Mr. SCHERER. But you refuse to tell us whether you were the day before?

(At this point Mrs. Fleet conferred with Mr. Lorry.)

Mrs. FLEET. I decline to answer that on the ground of the fifth amendment.

Mr. SCHERER. I thought so. I have no further questions.

Mr. KUNZIG. I have none.

Mr. WALTER. No questions.

Mr. SCHERER. The witness is excused.

Mr. KUNZIG. Francis P. Jennings.

Mr. SCHERER. Will the witness rise and be sworn.

You do solemnly swear the testimony you are about to give in this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JENNINGS. I do.

Mr. SCHERER. Be seated.

Mr. Kunzig, you may proceed.

TESTIMONY OF FRANCIS P. JENNINGS, ACCOMPANIED BY HIS COUNSEL, JOHN ROGERS CARROLL

Mr. KUNZIG. Would you state your full name for the record, please?

Mr. JENNINGS. Francis P. Jennings.

Mr. KUNZIG. Is that J-e-n-n-i-n-g-s?

Mr. JENNINGS. That is correct.

Mr. KUNZIG. Would counsel please state his name and office address for the record?

Mr. CARROLL. John Rogers Carroll, 631 Land Title Building, Philadelphia.

Mr. KUNZIG. How do you spell Carroll?

Mr. CARROLL. With two r's and two l's.

Mr. KUNZIG. Would you state your present address, please, Mr. Jennings?

Mr. JENNINGS. 215 East Johnson Street, East Philadelphia 44.

Mr. KUNZIG. Will you give the committee a brief résumé of your educational background?

Mr. JENNINGS. I went through the public schools at Pottsville, Pa., and then after having graduated from the high school there I took my bachelor of science in education at Temple University, and master of education at the same institution.

Mr. KUNZIG. When did you get the bachelor and master degrees?

Mr. JENNINGS. The bachelor's degree was in 1939; the master's would have been in the summer of 1951, I think it was.

Mr. KUNZIG. Would you now give the committee, please, a brief résumé of your employment background?

Mr. JENNINGS. I have been employed since 1941 by the school district of Philadelphia as a teacher. Before that time I worked briefly in the quartermaster depot, navy yard.

Mr. SCHERER. The quartermaster depot in the navy yard?

Mr. JENNINGS. In Philadelphia.

Mr. SCHERER. And when was that?

Mr. JENNINGS. That was in 1940 to 1941.

Mr. SCHERER. But during the——

Mr. JENNINGS. Before that I had brief employment in a factory in Philadelphia.

Mr. SCHERER. Were you a civilian employee in the quartermaster department?

Mr. JENNINGS. That is right, sir.

Mr. SCHERER. What type of work did you do?

Mr. JENNINGS. I was an underoperator of mimeograph equipment, duplicating machines.

Mr. SCHERER. Go ahead.

Mr. KUNZIG. What was your employment from September 1935, until 1939?

Mr. JENNINGS. I worked for the National Youth Administration as an aid in the library at Temple University.

Mr. KUNZIG. As an aid in the library at Temple University?

Mr. JENNINGS. Yes.

Mr. KUNZIG. And after that, what was your employment?

Mr. JENNINGS. I was unemployed until September 1939.

Mr. SCHERER. Let me go back, Mr. Kunzig.

The National Youth Administration—you worked for that organization, you say?

Mr. JENNINGS. Well, I don't know the exact technicalities of the thing. I worked for the library. That was under their grant.

Mr. WALTER. You were a student at that time?

Mr. JENNINGS. At Temple University. That was a part-time job.

Mr. SCHERER. And helped pay your way through school?

Mr. JENNINGS. That is correct.

Mr. SCHERER. Did that money come from the Federal Government, Mr. Kunzig?

Mr. KUNZIG. Yes, sir.

Mr. WALTER. Formed by the Democratic administration, I know—a program we are very proud of, incidentally.

Mr. KUNZIG. What was your next employment after this part-time employment while you were at Temple?

Mr. JENNINGS. I was unemployed until September, and I worked for a factory, Castellis, as a general laborer, which lasted until Christmas, when I received a Christmas gift in the form of a layoff and was unemployed again; I don't know the exact month, but for a while then; I finally received WPA employment.

Mr. KUNZIG. What was your WPA employment?

Mr. JENNINGS. In the education and recreation program.

Mr. KUNZIG. In Philadelphia?

Mr. JENNINGS. In Philadelphia.

Mr. KUNZIG. And was it after that that you then worked at the navy yard?

Mr. JENNINGS. No; it was after that that I received a temporary appointment at the quartermaster depot.

Mr. KUNZIG. I see.

Mr. JENNINGS. And then the quartermaster depot, after that I went to the navy yard.

Mr. KUNZIG. You went to the quartermaster depot in Philadelphia, first, and that was a civilian job for the Army?

Mr. JENNINGS. I presume so.

Mr. KUNZIG. And then to the navy yard?

Mr. JENNINGS. That is right.

Mr. KUNZIG. And after that, as a teacher employed by the Board of Education?

Mr. JENNINGS. That is right.

Mr. KUNZIG. What was your first work for the Board of Education after you went with them?

Mr. JENNINGS. I was appointed as a teacher in the Benjamin Franklin High School in Philadelphia, as a regular teacher.

Mr. KUNZIG. What did you teach there, Mr. Jennings?

Mr. JENNINGS. Social studies, American history.

Mr. KUNZIG. American history. Has that been your subject through the years?

Mr. JENNINGS. That plus English and a subject called common learnings, which amounts to civics and English combined.

Mr. KUNZIG. At what schools have you been employed in addition to Benjamin Franklin, if any?

Mr. JENNINGS. Well, I transferred, after my 3 years in the service I was transferred to the veterans accelerated program of the Benjamin Franklin High School and spent a year or two, I think it was 2 years

there, and then back and forth between that program and the Benjamin Franklin High School.

Mr. KUNZIG. What was your most recent employment in the Philadelphia school system, at which school?

Mr. JENNINGS. At the Benjamin Franklin High School.

Mr. KUNZIG. Are you presently under suspension?

Mr. JENNINGS. That is correct.

Mr. KUNZIG. Mr. Jennings, are you associated with the Teachers' Union of Philadelphia?

Mr. JENNINGS. I am president of it.

Mr. KUNZIG. When did you first become associated with this union?

Mr. JENNINGS. I believe I was asked to become a member of it in 19—late in 1941. I don't recall whether I was a member or not at the time. I may have joined, but I am quite certain that after I came out of the service in 1946 I joined.

Mr. KUNZIG. The earlier date that you gave in 1941, it was then local 192, is that correct, of the American Federation of Teachers?

Mr. JENNINGS. I think so. I was very foggy about it at the time. Somebody said "Will you join the union?" and I may have done so, and I may not.

Mr. KUNZIG. That was A. F. of L., is that correct?

Mr. JENNINGS. It was then; yes.

Mr. KUNZIG. Later this union left or was out of the A. F. of L., is that correct?

Mr. JENNINGS. Yes; that is correct.

Mr. KUNZIG. Why did the group end its relationship with the A. F. of L., or has it ended?

(At this point Mr. Jennings conferred with Mr. Carroll.)

Mr. JENNINGS. The union was brought through a series of—

(At this point Mr. Jennings conferred with Mr. Carroll.)

Mr. JENNINGS. The union was brought through a series of arguments internally and, to my knowledge, I do not—I was not present when all this went on, but by hearsay and by reading the papers I gather that it was expelled from it, that its charter was listed by the national union on charges of Communist domination.

Mr. KUNZIG. You were a member of this union at that time?

Mr. JENNINGS. I said I do not recall whether I was or not.

Mr. KUNZIG. Well, I will change it, then, and say you were in some way associated with the union at that time?

Mr. JENNINGS. Well, I knew people.

Mr. KUNZIG. Then the union became, later, a CIO union, local 556, is that correct?

Mr. JENNINGS. Of the State, county, and municipal workers union, I believe it was.

Mr. KUNZIG. Is that correct?

Mr. JENNINGS. I don't know how the numbers ran on those things.

Mr. KUNZIG. Were you a member of it at that time?

Mr. JENNINGS. That was in—at the time that the affiliation was made, I don't think so. I joined or rejoined, whichever it was, the local union in—it would have been early in 1946, I think, and it was at that time a member of the CIO.

Mr. WALTER. When was it expelled from the AFL?

Mr. JENNINGS. Now, I am not sure on that; back around the early forties.

Mr. KUNZIG. Roughly, August 31, sir.

Then did this union remain in the CIO or did it get out of the CIO?

Mr. JENNINGS. It was expelled from the CIO.

Mr. KUNZIG. And what were the reasons for its expulsion from the CIO?

Mr. JENNINGS. It was expelled on formal grounds of Communist domination.

Mr. WALTER. May I interrupt at that point.

Who were the officers when it was expelled from the CIO because of Communist domination?

Mr. JENNINGS. I think that I shall decline to answer that question on the grounds of the 1st, 4th, 5th, 9th, and 10th amendments of the Constitution

Mr. WALTER. Why don't you just say "the Constitution?"

Mr. JENNINGS. That would save some time.

(At this point Mr. Jennings conferred with Mr. Carroll.)

Mr. WALTER. Now, have you made up your mind? You said "I think I will decline." Do you decline?

Mr. JENNINGS. I decline to answer on those grounds.

Mr. WALTER. Well, let's get this straight.

The union was expelled from the CIO because of Communist domination at the time you were head of the union. Am I safe in assuming that the reason why it was expelled from the CIO was because of you; is that the answer?

(At this point Mr. Jennings conferred with Mr. Carroll.)

Mr. JENNINGS. I decline to answer on the same grounds.

Mr. KUNZIG. Now, the present union, the Teachers Union of Philadelphia, am I correct in saying that is a successor union; it was the same group in the A. F. of L. and was expelled, and then in the CIO and was expelled, as you have just testified, is that correct?

(At this point Mr. Jennings conferred with Mr. Carroll.)

Mr. JENNINGS. Yes.

Mr. KUNZIG. Now, I have a document here I wish to mark Jennings exhibit 1 for identification, Mr. Chairman. It is an open letter to Mr. Walter Biddle Saul, president of the Philadelphia Board of Public Education, signed "Teachers Union of Philadelphia." It requests money to be raised for the legal defense or for the welfare of teachers.

This appeared in the Philadelphia Bulletin, Mr. Chairman, February 3d—it is a paid advertisement—February 3, 1953.

Was this advertisement inserted—I now pass it to you, exhibit 1—in that paper by this union which you have just testified to this morning?

'54, I meant, excuse me.

Mr. WALTER. This year?

Mr. KUNZIG. Yes; just now, sir.

(At this point Mr. Jennings conferred with Mr. Carroll.)

Mr. JENNINGS. Yes.

Mr. KUNZIG. And at the bottom of the ad it says "This advertisement inserted by the Teachers Union of Philadelphia, Francis P. Jennings, president." That is yourself, is that right?

Mr. JENNINGS. Yes.

Mr. KUNZIG. Now, this advertisement denouncing this committee then goes on in its fund raising to list two uses for the money to be raised:

1. Legal defense to assist in defraying court costs as the teachers' cases are appealed; and
2. Welfare to help in the family expenses of jobless teachers while they seek employment.

Please make checks payable to the Teachers Union of Philadelphia.

Is that correct?

(At this point Mr. Jennings conferred with Mr. Carroll.)

Mr. CARROLL. There was no question asked.

Mr. KUNZIG. I am asking you, does this appear in this document, and is that correct, and did you so insert it?

Mr. CARROLL. Did he insert it—is that the question?

Mr. KUNZIG. You, as president of the union, did you ever insert it or cause it to be inserted?

Mr. JENNINGS. I see that it says as you have said.

Mr. KUNZIG. All right. Now, I have in my hand, Mr. Chairman—

Mr. SCHERER. He didn't answer the latter part of the question, whether he had anything to do with the insertion.

Mr. JENNINGS. I decline to answer that part of the question on the grounds hitherto asserted.

Mr. SCHERER. You are president of the union today, I understand?

Mr. JENNINGS. I am president of the union today, yes, sir.

Mr. KUNZIG. Now, Mr. Jennings—

Mr. SCHERER. Just a minute.

Mr. KUNZIG. I am sorry, Mr. Chairman.

Mr. SCHERER. Do you know anything at all about the insertion of that ad in the Philadelphia paper?

Mr. JENNINGS. I decline to answer that question, also, sir, on the same grounds.

Mr. KUNZIG. Now, Mr. Jennings, the advertisement asked people to come hear the teachers tell their story Friday, February 5, at the Adelphia Hotel, 8:30 p. m., 13th and Chestnut Streets, in Philadelphia. Did such a meeting take place?

(At this point Mr. Jennings conferred with Mr. Carroll.)

Mr. JENNINGS. Yes, sir.

Mr. WALTER. Their story about what?

Mr. KUNZIG. Their story about their hearings, presumably, before this committee, and so forth.

Mr. WALTER. Who spoke at that meeting?

Mr. KUNZIG. I was just about to ask.

Who spoke at that meeting?

(At this point Mr. Jennings conferred with Mr. Carroll.)

Mr. JENNINGS. I decline to answer on the grounds hitherto asserted.

Mr. WALTER. Did you attend that meeting?

Mr. JENNINGS. I decline to answer on the same grounds.

Mr. KUNZIG. We have a situation here, Mr. Chairman, which seems to be rather ludicrous.

A public meeting was held in a very fine and decent hotel in the city of Philadelphia, the Adelphia Hotel, and the witness refuses to answer whether he was present on the grounds that to do so might incriminate him.

Mr. SCHERER. Yes, I think so.

I will direct the witness to answer.

Mr. JENNINGS. I added other grounds, also, sir.

Mr. KUNZIG. You have just been directed by the chairman to answer the question.

(At this point Mr. Jennings conferred with Mr. Carroll.)

Mr. JENNINGS. I still decline to answer on the same grounds.

Mr. SCHERER. On the grounds that your answer might tend to incriminate you, whether you attended this meeting of public school teachers?

Mr. JENNINGS. On the grounds of the first, fourth, fifth, ninth, and tenth amendments.

Mr. WALTER. What is there in the ninth amendment which you think affords you the opportunity or privilege of refusing to answer the question?

Mr. JENNINGS. The ninth amendment specifies, as I recall it, that the powers not specifically given to the Federal Government are reserved to the States or to the individuals.

Mr. WALTER. And don't you think the Federal Government has been given the express authority and charged with the responsibility of maintaining the security of the Federal Government and protecting it from enemies from within and without?

Mr. CARROLL. That is a legal question.

Mr. JENNINGS. I think, sir, that I would rather have my attorney answer that question since he is a lawyer.

Mr. WALTER. Well, I wouldn't want to engage in any discussion with counsel.

Mr. CARROLL. Obviously a legal question, sir. I don't think he is competent to answer it.

Mr. WALTER. All right. But I think this is more than a legal question.

Now, you have invoked a privilege given to citizens of this great Republic by the Constitution that some people would destroy, and I have asked you whether or not you believe that the citizens ought to do whatever they can to protect this Republic from its enemies.

What is your answer?

Mr. JENNINGS. I answer that I have great faith in the Government of the United States. I have taught loyalty to it over the years. I believe in it, and I believe particularly in its Bill of Rights, which is as much a part of the Government of the United States as any other part.

Mr. WALTER. Well, there is no question about that, and that being the case, why don't you help us in our efforts to find out who it was in the city of Philadelphia who quite obviously was assisting people, who today refuse to cooperate with this committee, in obtaining employment? That is what we want to know. That is the cold, brutal fact. We have never discussed it before, but I think we have come to the point where we ought to, because we believe that you can give us that information.

Mr. JENNINGS. I think I have stated the grounds for my refusal to answer the question, sir.

Mr. WALTER. You refuse to answer the question because you believe the Constitution of the United States protects you from doing anything that might cause you trouble, is that it?

Mr. JENNINGS. I——

Mr. WALTER. Among other things?

Mr. JENNINGS. Because I believe it protects me from having to answer that question.

Mr. WALTER. Is that your idea of teaching loyalty?

Mr. JENNINGS. I am not teaching loyalty at the present moment. I am on the witness stand.

Mr. WALTER. All right.

Mr. KUNZIG. Mr. Jennings, I am going to come back to this advertisement, which has been marked "Jennings Exhibit No. 1" for identification, in the Philadelphia Bulletin of February 3, 1954.

I have in my hand a small card marked "Jennings Exhibit No. 2" for identification which, Mr. Chairman, was a card which came to this committee which was passed out at this meeting on Friday, February 5, at the Adelphia Hotel in Philadelphia.

There is an interesting difference in this card which I think should be a part of this record, and I wish to ask the witness about it.

It has nothing on it to identify it in any way whatsoever with any group. It says:

"Enclosed find my contribution or pledge of—" and then the dollar mark is blank. "I am interested in working with the Citizens Committee to Defend the Schools."

Then there is a blank for the name, address, and phone. But then it says, and here is the difference, "Please earmark"—referring to the money—"Please earmark the money for—" and instead of 2 items as listed in the newspaper, which were legal defense and welfare, there are 3 items here, legal defense, welfare, and general needs, the new item being general needs.

Now, I hand you this card marked "Jennings Exhibit No. 2" for identification and ask you if that card was passed out at the meeting held at the Adelphia Hotel on Friday, February 5, 1954?

(At this point Mr. Jennings conferred with Mr. Carroll.)

Mr. JENNINGS. I decline to answer on the same grounds as previously.

Mr. KUNZIG. Now, you are president of this union that held this meeting; you testified that you are president of it today. Will you please tell the committee if funds were collected at the Adelphia Hotel on February 5?

Mr. JENNINGS. I decline to answer on the same grounds.

Mr. KUNZIG. How many of the funds collected, if any, were for general needs, and please explain what general needs is?

Mr. JENNINGS. I decline to answer on the same grounds.

Mr. KUNZIG. I would like to ask one other further question on the subject of this meeting and the funds collected.

Are you required by any law to get a State permit to collect or raise funds and, if so, did you have such a permit?

Mr. CARROLL. I don't think that the witness—

Mr. KUNZIG. Let the witness answer, please.

Mr. CARROLL. Can answer a legal question, sir.

Mr. SCHERER. Will you repeat the question.

Mr. KUNZIG. I asked whether they are required by any State law or any law to have a permit to raise funds and, if so, did they have such a permit.

Mr. SCHERER. If the witness knows, he certainly may answer.

Mr. KUNZIG. He can say he doesn't know.

(At this point Mr. Jennings conferred with Mr. Carroll.)

Mr. JENNINGS. I have been advised that the State law exempts unions from the provisions of the Solicitation Act, and I have never personally procured such a permit.

Mr. KUNZIG. I would like to offer Jennings exhibits Nos. 1 and 2 into evidence, Mr. Chairman.

Mr. SCHERER. So received.

(Advertisement appearing in the Philadelphia Bulletin under date of February 3, 1954, marked "Jennings Exhibit No. 1" for identification and received in evidence; card headed "Enclosed Find My Contribution or Pledge of \$-----", marked "Jennings Exhibit No. 2," for identification and received in evidence.)¹

Mr. KUNZIG. Now, just so the record is clear, Mr. Chairman, there are other teachers unions in Philadelphia——

Is that correct?

(At this point Mr. Jennings conferred with Mr. Carroll.)

Mr. JENNINGS. Yes.

Mr. KUNZIG. There are, roughly, I believe, three others?

Mr. JENNINGS. I know of not three other unions, other associations.

Mr. KUNZIG. I want to make it absolutely clear, Mr. Chairman, for the record, that we are only talking here this morning about the group known as the Teachers Union of Philadelphia, and no other group. There are other groups entirely different from this one.

How many members are there in your union of which you are president?

Mr. JENNINGS. I decline to answer that for the same reasons I have enumerated before, and for the additional one that it is part of trade union tradition not to answer such questions.

Mr. KUNZIG. Isn't it a fact that of the 8,000 teachers in the city of Philadelphia, your union has, roughly, 200 members, if that?

Mr. JENNINGS. I decline to answer on the grounds stated.

Mr. SCHERER. I am going to direct the witness to answer the question, how many members belong to the union of which he admits that he is president.

How could that possibly incriminate him?

(At this point Mr. Jennings conferred with Mr. Carroll.)

Mr. JENNINGS. According to my last knowledge, membership was about 150.

Mr. SCHERER. How many of those were members of the Communist Party?

Mr. JENNINGS. I decline to answer that on the grounds hitherto stated.

Mr. SCHERER. Do you know how many of that group were members of the Communist Party?

Mr. JENNINGS. I decline to answer on the same grounds.

Mr. SCHERER. Go ahead.

Mr. KUNZIG. Have you ever been a member of the Communist Party?

Mr. JENNINGS. I decline to answer on the same grounds.

Mr. KUNZIG. Have you ever been active in the American Student Union?

Mr. JENNINGS. I decline to answer on the same grounds.

Mr. KUNZIG. Were you not active in the Young Communist League of Pennsylvania?

¹ Retained in the files of the committee.

Mr. JENNINGS. I decline to answer on the same grounds.

Mr. KUNZIG. Isn't it a fact that you were president of the Young Communist League of Pennsylvania?

Mr. JENNINGS. Same answer; same reason.

Mr. KUNZIG. Isn't it a fact that you were not only president of this Young Communist League, but that you were president at the time you were employed in the Philadelphia Navy Yard?

Mr. JENNINGS. Same answer; same reason.

Mr. KUNZIG. Were you treasurer of the Philadelphia Youth Congress?

Mr. JENNINGS. Same answer; same reason.

Mr. SCHERER. How did you get your job in the navy yard?

Mr. JENNINGS. Applied for it.

Mr. SCHERER. Did the person that employed you know that at that time you were a member of the Communist Party or president of the Young Communist League?

Mr. JENNINGS. I decline to answer on the same grounds previously stated.

Mr. SCHERER. Did you make an application for that position?

Mr. JENNINGS. Which position?

Mr. SCHERER. The one we are talking about, in the navy yard.

Mr. JENNINGS. Which one is that?

Mr. SCHERER. Well, the one we are talking about in the navy yard.

Mr. JENNINGS. The job in the navy yard?

Mr. SCHERER. Yes, Quartermaster—

Mr. KUNZIG. The Quartermaster came first, and then the navy yard.

Mr. SCHERER. Well, let's take the navy yard, then. When were you employed in the navy yard?

Mr. WALTER. Nineteen forty-one.

Mr. JENNINGS. Roughly, between about March to late in August or early September of 1941.

Mr. SCHERER. And you were a civilian employee?

Mr. JENNINGS. That is right.

Mr. SCHERER. And will you tell us again what you did?

Mr. JENNINGS. I operated a duplicating machine.

Mr. SCHERER. Now, did you make an application to the United States Government for that employment?

Mr. JENNINGS. As I remember the situation, they had put out a circular opening up these jobs and I put in an application, yes.

Mr. SCHERER. Were you ever asked in that application whether you were a member of the Communist Party or not?

Mr. JENNINGS. I don't recall the exact phrasing of the application. I don't think it said so.

Mr. SCHERER. Well, did it ask whether or not you were a member of an organization, party or group that advocated the overthrow of the Government of the United States by force or violence?

Mr. JENNINGS. As I recall, it said something to that effect, yes.

Mr. SCHERER. How did you answer that question?

Mr. JENNINGS. I said that I was not.

Mr. SCHERER. Were you a member of the Communist Party at that time?

Mr. JENNINGS. I decline to answer that question on the grounds I have stated.

Mr. SCHERER. Now, when were you employed in the Quartermaster Department of the Army?

Mr. JENNINGS. It would have been just from about September—wait a minute—1950, or, rather, perhaps it was October 1950, roughly, in around there, until around March—not 1950, 1940, until around March of 1941.

Mr. SCHERER. How did you obtain that position?

Mr. JENNINGS. In the same manner.

Mr. SCHERER. Did you give any reference at that time?

Mr. JENNINGS. I presume so. I don't remember who they are.

Mr. SCHERER. Now, did that application ask the question whether or not you were a member of any organization or group that advocated the overthrow of the Government of the United States?

Mr. JENNINGS. I really don't recall.

Mr. SCHERER. Now, did you ever take the Pennsylvania State loyalty oath for teachers?

Mr. JENNINGS. Yes, sir.

Mr. SCHERER. Do you remember when that was?

Mr. JENNINGS. That would be in March 1952.

Mr. SCHERER. That was an oath in writing, was it not?

Mr. JENNINGS. That is right.

Mr. SCHERER. And you swore to the affidavit?

Mr. JENNINGS. That is right.

Mr. SCHERER. Or to the oath?

Mr. JENNINGS. Yes.

Mr. SCHERER. Do you recall what question they asked in that oath with reference to whether or not you had ever been a member of the Communist Party?

Mr. JENNINGS. The oath, as I recall it, was rather broader, even, than that. It went on to ask if you were a member of any organization that was subversive or was so inclined to overthrow the Government by force and violence.

Mr. SCHERER. What answer did you give at that time?

Mr. JENNINGS. I took the oath, sir.

Mr. SCHERER. You took the oath?

Mr. JENNINGS. I took the oath that I was not.

Mr. SCHERER. You said at that time you were not a member of the Communist Party or any organization that advocates the overthrow of this Government; is that right?

Mr. JENNINGS. That is right.

Mr. SCHERER. At that time were you a member of the Communist Party?

Mr. JENNINGS. I took the oath, sir. It would have been perjury if I had been a member at the time I answered it.

(At this point Mr. Jennings conferred with Mr. Carroll.)

Mr. JENNINGS. I was not.

Mr. SCHERER. Were you a member the day before?

Mr. JENNINGS. I decline to answer that question on the grounds I have hitherto stated.

Mr. SCHERER. You resigned from the Communist Party, did you not, Mr. Witness, so that you could take that oath—

(At this point Mr. Jennings conferred with Mr. Carroll.)

Mr. JENNINGS. I decline to answer that question on the same grounds.

Mr. SCHERER. Let me finish my question.

(At this point Mr. Jennings conferred with Mr. Carroll.)

Mr. SCHERER. You resigned from the Communist Party so you could take that oath and not subject yourself to the penalties of perjury; is that right?

Mr. JENNINGS. I decline to answer the question on the grounds I have enumerated and on the further ground that it is an unfair question. It presumes things.

Mr. SCHERER. Now, what time of the day did you take that; do you remember?

Mr. JENNINGS. I think it was in the afternoon.

Mr. SCHERER. Well, on that morning were you still a member of the Communist Party?

Mr. JENNINGS. I refuse to answer the question on the grounds I have stated.

Mr. SCHERER. And when did you say it was that you took that oath?

Mr. JENNINGS. March 1952.

Mr. KUNZIG. Well, now, you stated that you were not a member of the party or of any group seeking to overthrow the Government of the United States by force or violence when you took the oath in 1952. Have you been a member of any such group at any time since that time?

Mr. JENNINGS. Not to my knowledge.

Mr. KUNZIG. Then why do you not wish to answer the question, and why did you raise the fifth amendment on the question of the meeting at the Adelphia Hotel just a few weeks ago?

(At this point Mr. Jennings conferred with Mr. Carroll.)

Mr. JENNINGS. I decline to answer that question on all the grounds I have stated.

Mr. KUNZIG. Were there Communists present at the meeting at the Adelphia Hotel?

Mr. JENNINGS. I decline to answer on all the grounds that I have stated.

Mr. KUNZIG. Have you met with any Communists or members of the Communist Party since March of 1952?

Mr. JENNINGS. I decline to answer on all the grounds I have stated.

Mr. SCHERER. Mr. Witness, why did you say in response to Mr. Kunzig's question as to whether or not you have been a member of the Communist Party or a subversive organization since 1952, why did you say not to your knowledge?

Mr. JENNINGS. Well, because it seems to be fashionable nowadays to call a lot of things Communist, and I don't know of any that I have belonged to that were. I can only testify according to my knowledge, as I understand it.

Mr. SCHERER. Well, to what organizations do you belong today?

(At this point Mr. Jennings conferred with Mr. Carroll.)

Mr. JENNINGS. I decline to answer that, sir, on the same grounds.

Mr. SCHERER. I direct the witness to answer.

Let me ask it this way, then.

What organizations do you belong to other than the Communist Party?

(At this point Mr. Jennings conferred with Mr. Carroll.)

Mr. JENNINGS. I still decline to answer on the same grounds.

Mr. WALTER. Mr. Chairman, the House is in session, and the Judiciary Committee has some legislation on the calendar. I would like to ask one question.

What do you teach in the Philadelphia schools?

Mr. JENNINGS. I taught American history.

Mr. WALTER. Civics?

Mr. JENNINGS. And this common learnings subject, that is all.

Mr. SCHERER. Proceed, Mr. Counsel.

(At this point Representative Francis E. Walter left the hearing room.)

Mr. KUNZIG. This loyalty oath which you took in Pennsylvania I believe also has in it a future clause, that you will not at any time—I don't know the exact wording—you will not at any time during your employment be a member of any group which seeks to overthrow the United States Government by force or violence, is that not correct?

Mr. JENNINGS. That is correct.

Mr. KUNZIG. Then, having taken that oath, why do you refuse to answer today on these questions concerning membership in groups as just asked by the chairman, Mr. Scherer?

(At this point Mr. Jennings conferred with Mr. Carroll.)

Mr. JENNINGS. I think I have answered that already.

Mr. KUNZIG. In other words, you took the oath in Pennsylvania, but when asked here by the committee of the Congress of the United States the same question as to whether you belong to any group now which seeks to overthrow the Government of the United States by force and violence, you resort to the fifth amendment?

Mr. CARROLL. That is not correct. The record will show it.

Mr. JENNINGS. I answered the question.

Mr. KUNZIG. What was your answer.

Mr. JENNINGS. I am not a member of any organization, to my knowledge, that attempts to overthrow the Government of the United States by force and violence.

Mr. KUNZIG. But then when asked by Mr. Scherer what organizations you belonged to, I believe at that time you refused to answer on the grounds of the fifth amendment, is that correct?

Mr. CARROLL. That is correct.

Mr. JENNINGS. On all the grounds I enumerated, I refused to answer.

Mr. KUNZIG. Were you ever chairman of the Veterans Commission of the Communist Party?

Mr. JENNINGS. I decline to answer that on the grounds I stated.

Mr. KUNZIG. Is it not a fact that you are a member of the Civil Rights Congress, Philadelphia chapter, which is a cited Communist-front organization?

Mr. JENNINGS. I decline to answer that on the the grounds I have stated.

Mr. KUNZIG. I have no further questions, Mr. Chairman.

Mr. SCHERER. The witness will be excused.

Mr. KUNZIG. Samuel Drasin.

Mr. SCHERER. Will you rise, please.

Do you solemnly swear the testimony you are about to give at this hearing shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. DRASIN. I do.

TESTIMONY OF SAMUEL DRASIN, ACCOMPANIED BY HIS COUNSEL,
JOHN ROGERS CARROLL

Mr. KUNZIG. State your full name for the record, please.

Mr. CARROLL. Just a moment, Mr. Chairman—if I might, for a moment.

If my understanding that this is a subcommittee of two members appointed by the chairman is correct, then I think that one member is not a quorum, and for the sake of preserving the record, we object to any questioning if there is not a quorum present.

Perhaps I am wrong. Correct me on that, please.

Mr. SCHERER. Your statement will be noted in the record, and your objection will also be noted.

Mr. CARROLL. May we further consider, sir, any question which we refuse to answer we refuse to answer for grounds stated and also on the grounds there is not a quorum?

Mr. SCHERER. You can make that statement.

Mr. CARROLL. For the sake of the record—I am just trying to save the trouble of making objections each time.

Mr. SCHERER. You need not make objection each time. You have made your objection and it will apply to all of the questions.

Mr. CARROLL. Fine. Thank you, sir.

Mr. DRASIN. Can I object to the photography?

Mr. SCHERER. No.

Mr. KUNZIG. Now, what is your full name, sir?

Mr. DRASIN. Samuel Drasin, D-r-a-s-i-n.

Mr. KUNZIG. Counsel, would you once again please state your name for the record?

Mr. CARROLL. John Rogers Carroll, C-a-r-r-o-l-l, 631 Land Title Building, Philadelphia.

Mr. KUNZIG. What is your present address, Mr. Drasin?

Mr. DRASIN. 312 Glen Echo Road, Philadelphia.

Mr. KUNZIG. Would you give the committee a brief résumé of your educational background?

Mr. DRASIN. I was graduated from West Philadelphia High School; from the University of Pennsylvania Graduate School, and I got my master's degree from the graduate school of said institution.

Mr. KUNZIG. When did you graduate from the University of Pennsylvania?

Mr. DRASIN. 1929 and 1930.

Mr. KUNZIG. Now, would you tell us of your employment?

Mr. DRASIN. I was appointed in September of 1931 to the Philadelphia public school system.

Mr. KUNZIG. And where have you taught in the Philadelphia public school system?

Mr. DRASIN. Tilden Junior High, Sulzberger Junior High, South Philadelphia School for Boys, Olney High School, Central High School.

Mr. KUNZIG. Where do you teach at the present time?

Mr. DRASIN. I don't, thanks to this committee; I am suspended.

Mr. KUNZIG. You are suspended?

Mr. DRASIN. Yes.

Mr. KUNZIG. When were you suspended?

Mr. DRASIN. On the 20th of November, 1953.

Mr. SCHERER. Did you testify before the committee in Philadelphia?

Mr. DRASIN. No, sir. I was subpenaed, but I did not testify.

Mr. KUNZIG. Just to make the record clear, Mr. Chairman, of course, the action, or whatever action has been taken against this teacher, was taken by the Philadelphia Board of Education, which has no connection whatsoever with this committee. This witness is appearing for the first time before this committee today.

Now, Mr. Drasin, where did you teach prior to your suspension?

Mr. DRASIN. On November 20, you mean, last year?

Mr. KUNZIG. Yes, prior to this suspension.

Mr. DRASIN. Central High School.

Mr. KUNZIG. What did you teach?

Mr. DRASIN. Social studies.

Mr. KUNZIG. Social studies?

Mr. DRASIN. Yes.

Mr. KUNZIG. Has history of social studies been your specialty through the years?

Mr. DRASIN. Yes, sir, with one term that I taught English, I believe.

Mr. KUNZIG. Have you ever been a member of the Communist Party?

Mr. DRASIN. I decline to answer on the grounds of the 1st, 4th, 5th, and 10th amendments, and on the grounds offered by my counsel of the lack of a quorum.

Mr. KUNZIG. The last witness also used the ninth. Was there any reason for the ninth being left out?

Mr. DRASIN. I think a case could be made, sir, but I am not going into that field.

Mr. KUNZIG. Now, in 1944, this committee has testimony you were secretary of the West Philadelphia Club of section 8 of the Communist Party. Did you have that position?

(At this point Mr. Drasin conferred with Mr. Carroll.)

Mr. DRASIN. I decline to answer on the grounds of the 1st, 4th, 5th, and 10th amendments, and lack of a quorum.

Mr. KUNZIG. We have testimony that in 1944 you had Communist Book No. 78335. Is that correct?

(At this point Mr. Drasin conferred with Mr. Carroll.)

Mr. DRASIN. I decline to answer on the grounds given aforesaid.

Mr. KUNZIG. In 1945, that you had Communist Party membership book No. 85377. Is that correct?

Mr. DRASIN. I decline to answer on the same grounds.

Mr. KUNZIG. I have no further questions, Mr. Chairman.

Mr. SCHERER. I don't believe I have any questions.

The witness is excused.

Mr. KUNZIG. Wesley Randall.

Mr. SCHERER. Will you rise and be sworn.

Do you solemnly swear the testimony you are about to give at this hearing shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. RANDALL. I do.

Mr. SCHERER. Be seated.

Mr. Counsel, you may proceed.

**TESTIMONY OF WESLEY RANDALL ACCOMPANIED BY HIS
COUNSEL, FRANKLIN POUL**

Mr. KUNZIG. State your full name, please, and spell it for the record.

Mr. RANDALL. Wesley Randall, R-a-n-d-a-l-l.

Mr. KUNZIG. And would counsel kindly state his name and address for the record?

Mr. POUL. Franklin Poul, P-o-u-l, 2100 Girard Trust Building, Philadelphia 2, Pa.

Mr. KUNZIG. Would you state your present address, please, Mr. Randall?

Mr. RANDALL. 5535 Pemberton Street, Philadelphia 43.

Mr. KUNZIG. Would you give the committee your educational background, please, sir?

Mr. RANDALL. I attended the elementary schools of Philadelphia. I graduated from Olney High School in February 1943.

I attended the University of Pennsylvania during 1943, and transferred to the Philadelphia College of Pharmacy and Science, where I received the degree of bachelor of science in chemistry in June 1946.

Since that time I have taken assorted courses in education at the University of Pennsylvania, Temple, and Pennsylvania State University.

Mr. KUNZIG. Now, would you tell us of your employment, please?

Mr. RANDALL. I was employed by the school district of Philadelphia in the spring of 1947. I taught as a science teacher—may I qualify that—as a substitute science teacher at the Thomas Junior High School, at the Vare Junior High School.

In the fall of 1948 I became a substitute teacher for the mentally retarded at the Rush School in Philadelphia, and later, in September of 1951, was transferred to the Kearney School, still as a teacher of the mentally retarded. I was appointed a regular teacher of the Kearney School in September 1952.

Mr. KUNZIG. Now, Mr. Randall, have you ever been a member of the Communist Party?

Mr. RANDALL. I refuse to answer that question on the grounds of the fifth amendment.

Mr. KUNZIG. Were you ever connected in any way with the Labor Youth League?

(At this point Mr. Randall conferred with Mr. Poul.)

Mr. RANDALL. I refuse to answer that question on the grounds of the fifth amendment.

Mr. SCHERER. To what union do you belong?

Mr. RANDALL. I beg your pardon?

Mr. SCHERER. To what union do you belong?

Mr. RANDALL. At the present time?

Mr. SCHERER. Yes.

Mr. RANDALL. I am a member of the Teachers Union of Philadelphia.

Mr. KUNZIG. The union which has been discussed here this morning—

Mr. RANDALL. That is correct.

Mr. KUNZIG. Of which the president was on the stand prior to you this morning?

Mr. SCHERER. How long have you been a member of that union?

Mr. RANDALL. I have been a member of the Teachers Union since the fall of 1951.

Mr. SCHERER. Well, were you a member of any other teachers union prior to that?

Mr. RANDALL. No; I was not.

Mr. SCHERER. You may proceed.

Mr. KUNZIG. I want the record to show that the Labor Youth League which I referred to a few moments ago has been designated by the Attorney General as a subversive organization.

Mr. Randall, did you transfer in 1950 from the youth and student section of the Communist Party to the southwest section of the Communist Party of eastern Pennsylvania and Delaware?

Mr. RANDALL. I refuse to answer the question on the basis of the fifth amendment.

Mr. SCHERER. Was that transfer after the invasion of Korea?

Mr. KUNZIG. We merely have the date 1950; Mr. Chairman. We don't have what part of 1950 he was there.

Did you later in the same year act as an organizer of the Flynn Club of the Communist Party section, new section, formed in west Philadelphia from a consolidation of the southwest and West Park sections of the Communist Party?

Mr. RANDALL. I refuse to answer the question on the basis of the fifth amendment.

Mr. KUNZIG. On June 23, 1951, did you attend a sendoff party for delegates to the Chicago Peace Congress of the American Peace Crusade, which is a cited organization, Mr. Chairman.

(At this point Mr. Randall conferred with Mr. Poul.)

Mr. RANDALL. I refuse to answer on the basis of the fifth amendment.

Mr. SCHERER. Pardon me just a minute. Are you a member of the party today?

Mr. RANDALL. I am not a member of the party today.

Mr. SCHERER. Of course, I meant the Communist Party.

Mr. RANDALL. I am not a member of any party today.

Mr. SCHERER. All right. Now, were you a member of the Communist Party last year?

Mr. KUNZIG. In 1953.

Mr. RANDALL. No; I was not a member of the Communist Party in 1953.

Mr. SCHERER. Were you a member of the Communist Party in 1952?

Mr. RANDALL. I refuse to answer the question on the basis of the fifth amendment.

Mr. SCHERER. Now, it is a fact, Witness, that you resigned from the party at the time you were required to take the teachers' loyalty oath under the laws of Pennsylvania, isn't that a fact?

Mr. RANDALL. I am sorry, but I did not get the full question.

Mr. SCHERER. Isn't it a fact that you resigned from the Communist Party when you were required to take the teachers' loyalty oath under the laws of the State of Pennsylvania?

(At this point Mr. Randall conferred with Mr. Poul.)

Mr. RANDALL. I refuse to answer the question on the grounds of the fifth amendment.

Mr. SCHERER. Did you take the teachers' loyalty oath?

Mr. RANDALL. I did take the teachers' loyalty oath in Pennsylvania.

Mr. SCHERER. And on the day you took the teachers' loyalty oath, were you a member of the Communist Party?

Mr. RANDALL. I was not a member of the Communist Party on the day I took the loyalty oath.

Mr. SCHERER. Do you remember when you took the loyalty oath?

Mr. RANDALL. It was during the last week of February 1952.

Mr. SCHERER. Now, were you a member of the party the day before you took the loyalty oath?

Mr. RANDALL. I was not a member of the Communist Party the day before I took the oath.

Mr. SCHERER. What about a month before?

Mr. RANDALL. I refuse to answer the question on the basis of the fifth amendment.

Mr. SCHERER. I have no further questions.

Mr. KUNZIG. On July 17, 1951, you were observed attending a meeting of the Philadelphia Council of the American Peace Crusade held at the Hotel Whittier, W-h-i-t-t-i-e-r, 140 North 15th Street, Philadelphia.

This again is the cited organization, as I mentioned previously.

Did you attend this meeting?

Mr. RANDALL. I refuse to answer on the basis of the fifth amendment.

Mr. KUNZIG. On August 26, 1951, you were observed entering the Peace and Brotherhood Festival—we have had testimony about this before—held on the Old Mill picnic grounds, West Rockhill Township, Bucks County, Pa. This was a Communist meeting of district 3. Did you attend this meeting?

Mr. RANDALL. I refuse to answer the question on the basis of the fifth amendment.

Mr. KUNZIG. I have no further questions, Mr. Chairman.

Mr. SCHERER. I believe that is all.

The witness is excused.

Mr. KUNZIG. Mr. Abraham Egnal.

Mr. SCHERER. Would you raise your right hand, please.

Do you solemnly swear that the testimony you are about to give at this hearing shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. EGNAL. I do.

Mr. SCHERER. Be seated.

TESTIMONY OF ABRAHAM EGNAL, ACCOMPANIED BY HIS COUNSEL, IRVING W. BACKMAN

Mr. BACKMAN. May I raise for the purpose of the record the question of the quorum here, whether or not there is a quorum of the subcommittee, if this is a subcommittee?

Mr. SCHERER. The objection of counsel will be noted for the record. You need not raise the objection after each question. Your objection will be preserved for each question.

Mr. KUNZIG. Would you state your name for the record?

Mr. EGNAL. Abraham Egnal, E-g-n-a-l.

Mr. KUNZIG. Would counsel kindly state his name and address for the record?

Mr. BACKMAN. Irving W. Backman, 1612 Market Street, Philadelphia, Pa.

Mr. KUNZIG. What is your present address, Mr. Egnal?

Mr. EGNAL. 5223 Diamond Street, Philadelphia, zone 31.

Mr. KUNZIG. Would you give the committee a résumé of your educational background?

Mr. EGNAL. I was graduated from the public schools in Philadelphia.

I received a bachelor of science degree from the University of Pennsylvania in 1929, a master of arts degree in 1933, and have continued taking courses on and off since then.

Mr. KUNZIG. And your employment background, sir?

Mr. EGNAL. I was appointed to the Philadelphia schools in May 1935. I had previously had substitute work with them, and was teaching down to November of this year.

Mr. KUNZIG. In November of this year, after the House Committee on Un-American Activities held hearings in Philadelphia, you were suspended; is that correct?

Mr. EGNAL. That is correct.

Mr. KUNZIG. And, for the record, you have had a hearing since that time, and have been discharged, is that correct?

Mr. EGNAL. I have been dismissed. It is in the process of litigation.

Mr. KUNZIG. At the present time?

Mr. EGNAL. An appeal is being made.

Mr. BACKMAN. For the record, that was November 1953. I believe he said November of this year. He meant 1953.

Mr. KUNZIG. Yes, November, 1953.

Now, Mr. Egnal, have you ever been a member of the Communist Party?

Mr. EGNAL. I will decline to answer that question on the ground, first, of the first amendment, which guarantees to me my freedom of speech, press, and association, reinforced by the decision of Justice Jackson, who said that the right of any governmental body to investigate the private life of an individual doesn't exist.

This is a decision which can be cited, a case involving the first amendment.

I also decline on the ground of the fifth amendment, which indicates that I am not to be questioned or made to be a witness against myself in any case, and also protects me, that no life, liberty, or property will be taken without due process of law.

I also decline to answer on the ground of the ninth amendment, which preserves to the people all rights not delegated to Congress, and there is nowhere that I can read the right to investigate the private lives of individuals.

So, on those grounds I decline to answer.

Mr. KUNZIG. The tenth?

Mr. EGNAL. No, the ninth.

Mr. SCHERER. Even if that private life involves subversive activity?

Mr. EGNAL. The term "subversive"—well—excuse me.

(At this point Mr. Egnal conferred with Mr. Backman.)

Mr. KUNZIG. Mr. Egnal—

He didn't answer that last question.

Mr. EGNAL. On the same grounds.

Mr. KUNZIG. Now, Mr. Egnal, on October 23, 1943, the Communist Party sponsored a meeting held at 40th and Poplar Streets in Philadelphia. You were observed, Abraham Egnal, as one of the speakers at this meeting. Did you attend this meeting and were you one of the speakers?

(At this point Mr. Egnal conferred with Mr. Backman.)

Mr. EGNAL. I decline to answer on the same grounds.

Mr. KUNZIG. Isn't it a fact, Mr. Egnal, that this meeting we have referred to earlier this morning held at the Adelphia Hotel, 13th and Chestnut Streets in Philadelphia, on February 5, this year, just a few weeks ago—did you attend that meeting? Isn't it a fact that you did so attend that meeting?

(At this point Mr. Egnal conferred with Mr. Backman.)

Mr. EGNAL. I decline to answer on the same grounds.

Mr. KUNZIG. You feel that to state that you attended this meeting in the Adelphia Hotel, a public meeting, advertised publicly in the Philadelphia Evening Bulletin, will in some way incriminate you?

(At this point Mr. Egnal conferred with Mr. Backman.)

Mr. EGNAL. I decline to answer, and in addition, it is the feeling that this may be a link in a chain which may make me a witness against myself, and, therefore, I decline to answer the question on the basis of the previously indicated reasons.

Mr. KUNZIG. Now, this paid advertisement in the Philadelphia Bulletin also says "Come hear the teachers tell their story."

Isn't it a fact that you were one of the teachers allegedly telling your story at this meeting at the Adelphia—

(At this point Mr. Egnal conferred with Mr. Backman.)

Mr. KUNZIG. The same story which you refuse to tell here under oath before the Congress?

(At this point Mr. Egnal conferred with Mr. Backman.)

Mr. EGNAL. Same answer; same reasons.

Mr. KUNZIG. So that the story that you may or may not have told, or that was advertised that would be told in this public hearing, you refuse to repeat here today under oath before this committee?

(At this point Mr. Egnal conferred with Mr. Backman.)

Mr. EGNAL. I have already stated the answer to the question and my reasons therefor.

Mr. KUNZIG. Were you a member of the Wynnefield, W-y-n-n-e-f-i-e-l-d, Club of District 3 of the Communist Party of Philadelphia?

(At this point Mr. Egnal conferred with Mr. Backman.)

Mr. EGNAL. Same answer; same reasons.

Mr. KUNZIG. Isn't it a fact that you were a member of that club as recently as 1952?

(At this point Mr. Egnal conferred with Mr. Backman.)

Mr. EGNAL. Same answer; same reasons.

Mr. KUNZIG. Did you take the Pennsylvania loyalty oath in 1952?

Mr. EGNAL. I took the Pennsylvania loyalty oath in the spring of 1952.

Mr. KUNZIG. Were you a member of the Communist Party when you took that oath?

(At this point Mr. Egnal conferred with Mr. Backman.)

Mr. EGNAL. I was not a member of the Communist Party on the day I took the loyalty oath.

Mr. KUNZIG. How about the day before you took the loyalty oath?

(At this point Mr. Egnal conferred with Mr. Backman.)

Mr. BACKMAN. Is there an open question?

Mr. KUNZIG. Will you read the question.

Mr. SCHERER. Yes, there is a question pending.

Was he a member of the party the day before he took the oath?

Mr. EGNAL. The same answer I have given before, for the same reasons.

Mr. KUNZIG. You refuse to answer that question?

Mr. EGNAL. Yes, sir.

Mr. KUNZIG. I have no further questions, Mr. Chairman.

Mr. SCHERER. You taught in the Philadelphia schools up until what date?

Mr. EGNAL. I think it was November 20, 1953.

Mr. SCHERER. You said you were not a member of the party on the day you took the loyalty oath, but you have attended Communist meetings since then, haven't you?

(At this point Mr. Egnal conferred with Mr. Backman.)

Mr. EGNAL. Same answer; same reasons.

Mr. SCHERER. The fact is, you have attended closed meetings of the Communist Party since then, isn't it, Mr. Witness?

(At this point Mr. Egnal conferred with Mr. Backman.)

Mr. EGNAL. Same answer; same reasons.

Mr. KUNZIG. Now, you refuse to answer, as you just did just then, on meetings of the Communist Party which you may have attended since you took the loyalty oath.

Now, in that oath, you swore that you would not be a member of any group seeking to overthrow the Government of the United States in the future as long as you were a member of the school system; is that not correct?

Mr. EGNAL. As to the wording of the oath?

Mr. KUNZIG. I don't have the exact wording, but it went into the future, not only that you were not then a member, but would not be a member in the future; is that not correct?

(At this point Mr. Egnal conferred with Mr. Backman.)

Mr. EGNAL. I don't have the oath here. The wording can be checked.

Mr. KUNZIG. Well, it does so say that, Mr. Chairman, for the record. I have no further questions.

Mr. SCHERER. I have no further questions.

The only reason I am running this meeting straight on through is that we have a meeting of the Public Works Committee that I must attend this afternoon, and these people are down from Philadelphia, and their lawyers are here, and we don't want to ask them to come back, so we will conclude this morning. We only have two more witnesses, I believe.

Mr. KUNZIG. Mr. Dubin.

Mr. SCHERER. Will you raise your right hand.

You do solemnly swear that the testimony you are about to give at this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DUBIN. I do.

Mr. SCHERER. Be seated.

Proceed, Mr. Counsel.

TESTIMONY OF HARRY NATHAN DUBIN, ACCOMPANIED BY HIS COUNSEL, MARTIN PAPISH

Mr. KUNZIG. Would you state your name, please?

Mr. DUBIN. My name is Harry Dubin, D-u-b-i-n.

Mr. KUNZIG. Is your middle name Harry Nathan Dubin?

Mr. DUBIN. That is correct.

Mr. KUNZIG. Would counsel please state his name and office address for the record?

Mr. PAPISH. Martin Papish, 2015 Philadelphia Savings Bank Building.

Mr. Chairman, may I ask that there be noted on the record that there is no quorum of the committee present during this interrogation, sir?

Mr. SCHERER. Your statement will be noted in the record, and you need not repeat your objection after every question.

Mr. PAPISH. Thank you, sir.

Mr. KUNZIG. What is your present address, Mr. Dubin?

Mr. DUBIN. 1316 Gilham Street, Philadelphia.

Mr. KUNZIG. How do you spell that?

Mr. DUBIN. G-i-l-h-a-m.

Mr. KUNZIG. Would you give the committee your educational background, please, sir?

Mr. DUBIN. I was graduated from—you want me to begin with what point, sir?

Mr. KUNZIG. Say, high school.

Mr. DUBIN. South Philadelphia High School for boys, in 1935, June, I believe; received a bachelor of science degree from Temple University in February of 1948.

I began attending Temple in 1938, interrupted with over 4 years of war service; received a master of education degree from Temple University in, I believe, the summer of 1951.

I am still continuing my education. I have been accepted as a candidate for the doctorate at Temple University in the field of special education.

Mr. KUNZIG. Now, would you tell us of your employment background, sir?

Mr. DUBIN. Total background, teaching background?

Mr. KUNZIG. Let's talk about the teaching background, yes.

Mr. DUBIN. I was employed by the Pennsbury Schools of Bucks County, Pa., as an elementary teacher, 1949, I believe. I spent 3 years with the Pennsbury Schools, during which time I was in the homebound department where I worked, in addition to my regular duties, with homebound children who are mentally retarded and physically disabled.

At the same time I was an employee of the Philadelphia public schools, as an evening-school teacher, teaching literacy and citizenship to displaced persons. I did that for a period of some 2 years.

I am now principal and teacher of the Park Training School for severely mentally retarded children who have not been accepted in public schools, Philadelphia.

Mr. KUNZIG. This is a private school, is that correct?

(At this point Mr. Dubin conferred with Mr. Papish.)

Mr. DUBIN. This is a school maintained by a private organization.

Mr. KUNZIG. What is that private organization?

(At this point Mr. Dubin conferred with Mr. Papish.)

Mr. DUBIN. The private organization is the Pennsylvania Association for Retarded Children.

Mr. SCHERER. Are you paid by that organization or by the public school system?

Mr. DUBIN. I am paid——

(At this point Mr. Dubin conferred with Mr. Papish.)

Mr. DUBIN. By that organization.

Mr. KUNZIG. Do you know Bessie Stensky?

(At this point Mr. Dubin conferred with Mr. Papish.)

Mr. DUBIN. I do know Bessie Stensky?

Mr. KUNZIG. She is employed at your school, is that correct?

(At this point Mr. Dubin conferred with Mr. Papish.)

Mr. DUBIN. That is correct.

Mr. KUNZIG. Did you ever work at the—to return for just a brief moment to your work—Philadelphia Navy Yard?

Mr. DUBIN. I was an employee of the Philadelphia Navy Yard some time before World War II, I am not sure of the date, the late thirties.

Mr. KUNZIG. After that time did you ever work for the United States Government in the Government Printing Office in Washington, D. C.?

(At this point Mr. Dubin conferred with Mr. Papish.)

Mr. DUBIN. The answer to that question is yes.

Mr. KUNZIG. When was that, sir?

Mr. DUBIN. I will attempt to be specific——

Mr. KUNZIG. To the best of your ability.

Mr. DUBIN. Yes. I say, I will attempt to be as specific as I can. Roughly, from the period of about December of 1940 or January of 1941 until I was drafted into the Armed Forces, and that was in September of 1941.

Mr. KUNZIG. Were you active after the war in the American Youth for Democracy—cited, Mr. Chairman, as subversive and Communist by Attorney General Tom Clark.

(At this point Mr. Dubin conferred with Mr. Papish.)

Mr. DUBIN. Because I feel that either a yes or no answer to that question would tend to incriminate me, I must invoke my privileges as an American citizen on the grounds of the fifth amendment.

Mr. KUNZIG. You refuse to answer the question?

Mr. DUBIN. I believe that is what I said.

Mr. KUNZIG. Isn't it a fact that you are intercollegiate director of the American Youth for Democracy, and a member of the staff of Youth in Action, an official organ of the American Youth for Democracy in the Philadelphia area?

Mr. DUBIN. I have the exact answer to that question as to the previous question, and with the same grounds.

Mr. KUNZIG. Did you attend the meeting at the Hotel Adelphia that we just referred to several times this morning, just a week or so ago?

Mr. DUBIN. Again I feel that a yes or no answer would tend to incriminate me, and I feel that this committee is attempting to invade my private rights as a citizen, and I must invoke the fifth amendment.

Mr. KUNZIG. And you refuse to answer?

Mr. DUBIN. I beg your pardon, I do not believe that was my answer.

Mr. KUNZIG. Let's get that clear, Mr. Chairman.

I am asking you whether you attended the meeting at the Hotel Adelphia held on February 5, 1954. That is the question. What is your answer?

Mr. DUBIN. I refuse to answer on the grounds of the fifth amendment.

Mr. KUNZIG. All right. Now, have you ever been a member of the Communist Party?

Mr. DUBIN. Again, sir, because I feel that either a yes or no answer would incriminate me or tend to incriminate me, I refuse to answer that question on the grounds of the fifth amendment.

Mr. SCHERER. You feel that a "no" answer would tend to incriminate you—did I understand you to say that?

Mr. DUBIN. Yes, sir, I did; that is correct.

Mr. KUNZIG. I have here a picture—

Mr. SCHERER. Just a moment.

Mr. Kunzig. Pardon me. I am very sorry.

Mr. SCHERER. You feel if you answered "no" it would tend to incriminate you because you would be committing perjury, is that the reason?

(At this point Mr. Dubin conferred with Mr. Papish.)

Mr. DUBIN. I must invoke my rights on the grounds of the fifth amendment because, as an American citizen, I feel that I have certain constitutional rights to which I am entitled, and I answer on that basis.

Mr. SCHERER. We have been giving you those rights, but you said that if you would answer the question as to whether you were a member of the Communist Party, "no," that would tend to incriminate you.

Now, I am going to direct you to answer the question, Mr. Witness on the basis of your answer.

(At this point Mr. Dubin conferred with Mr. Papish.)

Mr. DUBIN. The point that I was attempting to make, sir, is that a flat no or yes answer could possibly lead to a further chain of questions which would tend to incriminate me.

Mr. SCHERER. I still direct the witness to answer the question.

(At this point Mr. Dubin conferred with Mr. Papish.)

Mr. SCHERER. Witness, obviously, your answer "no" to Mr. Kunzig's question could only incriminate you if the "no" answer was not true.

Mr. DUBIN. I am sorry, sir. I didn't fully understand your question. Would you repeat it, please?

Mr. SCHERER. I said that if you answered "no," that you were not a member of the Communist Party, to Mr. Kunzig's question, the only way that could possibly incriminate you is if you were answering untruthfully when you said "no."

Mr. DUBIN. I must invoke my rights under the fifth amendment to your question, sir.

Mr. SCHERER. That is all right. You have that privilege, but you are refusing to answer my order to answer that question on the grounds of the fifth amendment.

We will proceed.

Mr. KUNZIG. I have a picture, a photograph marked Dubin exhibit No. 1 for identification, which, investigation has shown, Mr. Chairman, to be a picture of a picket line in front of the Federal Building at Ninth and Market Streets in Philadelphia, Pa., protesting the Federal indictment of the 12 national leaders of the Communist Party.

In this picture is, allegedly, one Harry Dubin, and I pass this to you, Dubin exhibit No. 1 for identification, and ask you if that is a picture of yourself.

(At this point Mr. Dubin conferred with Mr. Papish.)

Mr. KUNZIG. And if you participated in that picket line.

(At this point Mr. Dubin conferred with Mr. Papish.)

Mr. Dubin. I invoke the fifth amendment.

Mr. KUNZIG. You refuse to answer?

Mr. DUBIN. That is correct.

Mr. KUNZIG. Mr. Chairman, I offer Dubin exhibit No. 1 for identification into evidence as Dubin exhibit No. 1. The date on the picture is September 25, 1948.

Mr. SCHERER. The exhibit will be admitted as requested by counsel.

(The photograph marked Dubin exhibit No. 1 for identification was received in evidence.)

Mr. KUNZIG. Do you know a person by the name of Joe Kuzma, K-u-z-m-a?

Mr. DUBIN. I refuse to answer that question on the grounds of the fifth amendment.

Mr. KUNZIG. Mr. Chairman, Joe Kuzma was identified before this committee as a member of the party, and is one of the 9 leaders of the Communist Party of eastern Pennsylvania who has been arrested in violation of the Smith Act. I would like——

Mr. SCHERER. What does that prove?

Mr. KUNZIG. I am now going to pass once again this picture, Dubin Exhibit No. 1, to the witness and ask if the person standing near you, marked "No. 2" on that picture, is not Joe Kuzma in this picket line?

(At this point Mr. Dubin conferred with Mr. Papish.)

Mr. DUBIN. I refuse to answer that question on the grounds of the fifth amendment.

Mr. PAPISH. Mr. Chairman, I would like to interpose my objection to the admission of the photograph in evidence, sir.

Mr. SCHERER. Well, we are not bound by the rules of court, and you cannot interpose such objection, but might I explain, since the person in the picture is obviously the witness, I have admitted it. We are not bound by the rules of court; I mean, that we are not bound by the same rules on admissibility of evidence.

Mr. PAPISH. I know that, but it seems so futile to sit here and do nothing; that as a counsel of 28 years standing I should do something, sir.

Mr. SCHERER. That is perfectly all right, sir.

Mr. KUNZIG. Mr. Dubin, I have here a document marked "Dubin Exhibit No. 2" for identification, and I pass it to you——

Mr. SCHERER. Let me say this:

You have a perfect right, as you have done, to advise your client on every answer that he makes, and you do not have that privilege in the courtroom, so you have a few more rights here than you have in court.

Mr. PAPISH. Thank you, Mr. Chairman.

Mr. KUNZIG. I have this document which is a nomination paper for the Communist Party; No. 3, signature of elector, is Harry Dubin, of Philadelphia. This is March 22, 1946.

Did you sign this nomination petition for the Communist Party?

I now pass you this document marked "Dubin Exhibit No. 2" for identification.

(At this point Mr. Dubin conferred with Mr. Papish.)

Mr. DUBIN. I invoke my rights on the grounds of the fifth amendment.

Mr. KUNZIG. And you refuse to answer the question?

Mr. DUBIN. Yes, sir.

Mr. KUNZIG. I offer in evidence, Mr. Chairman, this document which is marked "Dubin Exhibit No. 2" for identification as exhibit 2, Dubin.

Mr. SCHERER. Where do you live now, Mr. Dubin?

Mr. DUBIN. 1316 Gilham Street, Philadelphia.

Mr. SCHERER. You lived at 3227 West Montgomery Avenue at one time, did you not?

(At this point Mr. Dubin conferred with Mr. Papish.)

Mr. DUBIN. Yes, I did.

Mr. SCHERER. And on March 22, 1946, you were a student, were you not?

Mr. DUBIN. Yes, I was.

Mr. SCHERER. And you went by the name of Harry Dubin at that time?

Mr. DUBIN. That has always been my name.

Mr. SCHERER. When I said 3227 West Montgomery Avenue, I meant 3227 West Montgomery Avenue, Philadelphia, Pa. You lived at that address in Philadelphia, Pa?

Mr. DUBIN. That is correct.

Mr. SCHERER. The exhibit will be admitted in evidence.

(Document entitled "Nomination Paper", marked "Dubin Exhibit No. 2" for identification and received in evidence.)²

Mr. KUNZIG. I have no further questions, Mr. Chairman.

Mr. SCHERER. I have no questions.

The witness will be excused.

Mr. KUNZIG. Dr. Mahaney.

Mr. SCHERER. Will the witness raise his right hand.

You do solemnly swear that the testimony you are about to give at this hearing shall be the truth, the whole truth and nothing but the truth, so help you God.

Dr. MAHANAY. I do.

Mr. SCHERER. You may be seated.

² Retained in the files of the committee.

**TESTIMONY OF WILBUR LEE MAHANEY, JR., ACCOMPANIED BY
HIS COUNSEL, WILLIAM ALLEN RAHILL**

Mr. SCHERER. Mr. Counsel, I understand you have a statement to make for the record.

Mr. RAHILL. If it please the committee, my name is William Allen Rahill, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa.

I would like to make a statement for the record that my client, Dr. Mahaney, has asked me on his behalf formally to waive our objection to the lack of a quorum at this time in order that we may not be required to return tomorrow to be heard by the committee.

Mr. KUNZIG. Dr. Mahaney, you have heard the statement of your counsel. Are you in agreement with that statement?

Dr. MAHANEY. Quite all right.

Mr. KUNZIG. You are in agreement?

Dr. MAHANEY. I am in agreement.

Mr. KUNZIG. State your full name, sir.

Dr. MAHANEY. Wilbur Lee Mahaney, Jr.

Mr. KUNZIG. And your address, please, Dr. Mahaney?

Dr. MAHANEY. 704 Main Street, Trappe, Pa.

Mr. KUNZIG. How is that spelled?

Dr. MAHANEY. T-r-a-p-p-e.

Mr. KUNZIG. Trappe, Pa.?

Dr. MAHANEY. That is right.

Mr. KUNZIG. Would you give the committee a résumé of your educational background?

Dr. MAHANEY. Well, I was educated in the public schools of the State of Virginia; took a bachelor's degree from the University of Richmond in 1924, a master's degree from the University of Virginia in 1926. I took my Ph. D. from the University of Pennsylvania in 1938.

In 1933 and 1934 I held the Penfield Fellowship in Belles Lettres and International Diplomacy at the League of Nations, Geneva, 1933-34, and I taught in the public and private schools of Virginia and Delaware, and have been in the Philadelphia school system since 1929.

Mr. KUNZIG. Now, would you give us the schools in which you have been employed?

Dr. MAHANEY. Only one, West Philadelphia High School.

Mr. KUNZIG. And what do you teach there, Dr. Mahaney?

Dr. MAHANEY. Social studies.

Mr. KUNZIG. History and social studies?

Dr. MAHANEY. American history, and any other kind.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. There is only one school I have ever taught in in the Philadelphia school system. That is what you meant, isn't it?

Mr. KUNZIG. Yes.

Dr. MAHANEY. That is right.

Mr. KUNZIG. And how long has it been, just to refresh my memory, that you have taught at West Philadelphia High School?

Dr. MAHANEY. Since 1929; September 1929.

Mr. KUNZIG. And has it always been history and social studies during that period of time?

Dr. MAHANEY. Yes.

Mr. KUNZIG. Now, Dr. Mahaney, have you ever been a member of the Communist Party?

Dr. MAHANEY. Yes, I have.

Mr. KUNZIG. Your answer to that question was "yes"?

Dr. MAHANEY. Yes.

Mr. KUNZIG. Would you please state for the record how you became a member, and when this was?

Dr. MAHANEY. Well, there is nothing spectacular about it. I joined the Communist Party I think about the year after I came back from Europe.

Mr. KUNZIG. When was that?

Dr. MAHANEY. About 1934, and I think, my best recollection of that—it has been so long ago—it would be that it was about 1935.

Mr. KUNZIG. How did you become recruited into the party? Describe the events leading up to your membership.

Dr. MAHANEY. Well, I was just solicited, asked if I didn't want to join, and I was asked that a number of times, and it was explained to me that the Communist Party was very liberal and very much the same kind of a sociological and political program as the Roosevelt administration, and so far as I could see, it didn't seem to be too different, and so—

Mr. KUNZIG. You mean as far as you could see, the Communist Party wasn't very different from the Roosevelt administration?

Dr. MAHANEY. Well, I mean the aims, apparently, as far as I understood them, were in line with the 1934, 1935, 1936 political situation.

Mr. KUNZIG. Now, who recruited you into the Communist Party? (At this point Dr. Mahaney conferred with Mr. Rabill.)

Dr. MAHANEY. Well, now, I have never engaged in, nor could I ever engage in, any subversive activity or believe in any such thing. It would be utterly repugnant to my teaching and to everything that I have ever taught for the past 30 years and, most emphatically, I have never known anyone to advocate the overthrow of the Government by force or violence, or anything of that sort, and if I had, I most assuredly would have reported it to the proper authorities.

Since my earliest childhood I have been taught at home and at church, by my parents, that talebearing is a very sad, very unworthy business, and, since the question that you have asked me would involve the name of a person now dead, among other things, I don't feel that in good conscience I could possibly discuss anything of that sort.

I have always believed, and have been taught, that to be an informer as to the friends that you might have or acquaintances that you might meet along the pathway of life is contrary to every tenet of the American way of thinking.

Mr. KUNZIG. Are you refusing to answer?

Dr. MAHANEY. Yes. I don't think I could answer that in good conscience, Mr. Kunzig.

Mr. KUNZIG. Now, to make it clear, and clear for the record, are you refusing to answer on the grounds of the fifth amendment, or are you not invoking the fifth amendment?

Dr. MAHANEY. No; I am not invoking the fifth amendment. What you are asking me to do, inadvertently, and possibly without intending to do so, you are asking me to violate one of my most deepseated convictions and one which you might say I have held since I was old enough to remember, the sacredness of human relationship and, especially, of "speak well of the dead."

Mr. KUNZIG. Now, to make the record clear, is everyone who recruited you into the Communist Party dead?

Dr. MAHANEY. No, there is one who is.

Mr. KUNZIG. So there were others?

Dr. MAHANEY. No, there was one who did.

Mr. KUNZIG. And the one who did is dead?

Dr. MAHANEY. Absolutely.

Mr. SCHERER. Now, just a minute.

Doctor, I respect your feelings and appreciate what you said, but I must direct that you answer the question.

All over this country, in courtrooms and in congressional hearings, persons are required to do just what you say you don't like to do. In every trial and every hearing, it is necessary for witnesses, when they are called under oath, to identify individuals that they would rather not identify. I would feel, perhaps, the same way, but that isn't the law, so I am directing you to answer.

Now, you can refuse to answer.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Mr. SCHERER. That responsibility isn't yours; it is ours, when we ask that question. If it is in the courtroom, it is the court's responsibility. If a witness is compelled, he is not doing it voluntarily; he is doing it in accordance with the laws of the land.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. Well, gentlemen, I——

Mr. SCHERER. Well, I don't want to labor the point——

Mr. RAHILL. He wishes to answer your question, I think.

Dr. MAHANEY. I want to answer the question the best way I think.

I understand that, and my counsel made that perfectly clear; in other words, I wasn't entirely hazy on it when you brought the thing to my attention again because I had already been told that by my counsel.

Mr. SCHERER. I understand you have one of the most capable counsel in Philadelphia, and he most likely told you that, but I wanted to put it in the record after your statement.

Dr. MAHANEY. Yes.

Well, in following my conscience in this matter, I wish to make it perfectly clear that I do not intend to show any disrespect to the committee——

Mr. SCHERER. I understand that.

Dr. MAHANAY. Or to any of its members, or to any organ of our Government, but in all honesty, I would assure you that I would take this stand in a court of law. It is a matter of deep and abiding conscience with me, and so I would probably have to say that, without fear or without hope of favor, I will have to entrust myself to the conscience of my fellow countrymen and, in the words of Martin Luther, I would have to say, "So help me God, I can do no other."

Mr. SCHERER. I understand it is a refusal on your part. Of course, in a court of law, the judge could sentence you immediately for contempt.

Dr. MAHANAY. Well, that is the dictates of my conscience.

Mr. SCHERER. I appreciate that, and your answer is no, so let's proceed.

Mr. KUNZIG. So the record is clear, you have not stood upon any amendment or anything else; you are answering it flatly, "No"?

Dr. MAHANAY. No, that is right.

Mr. SCHERER. I think that is clear, Mr. Counsel. Let us proceed.

Mr. KUNZIG. I would like to ask you this question, Dr. Mahaney: You talked about the desire not to tell upon people, and that sort of thing, as the basic motivation in your very sincere statement just now as to your beliefs.

If you saw one of your friends, someone close to you, committing a robbery or a burglary, would you feel the same way; would you refuse to tell on that person?

Dr. MAHANAY. No; I don't think so.

Mr. KUNZIG. But when it comes to membership in the Communist Party or who recruited you in the Communist Party, as to that you don't wish to tell?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANAY. Well, I don't think the two illustrations are analogous, that is, someone committing a felony, let's say, but I draw a distinction between—

First, of all, my objection isn't based upon not telling because they are members of the Communist Party. The objection is a deep-seated one having to do with my personal integrity and what I consider an inviolate code of honor, which may be misplaced—

Mr. SCHERER. Now, Mr. Kunzig, I think we understand each other.

Mr. RAHILL. He wants to answer.

Dr. MAHANAY. I want to answer Mr. Kunzig's question, because I think there is a great difference between an overt act which is punishable by law and the possible holding of an opinion in which no overt act is involved.

Mr. KUNZIG. Do you feel that membership in the Communist Party is not a serious enough matter of which you should impart the knowledge of any members that you may know to your Government?

Dr. MAHANAY. I don't know of any members of the Communist Party, and never did, who were, or even so far as I knew, engaged in any kind of conspiracy or any plot, or anything of the sort.

Mr. KUNZIG. Did you know members in the Communist Party?

Dr. MAHANAY. Yes, of course—I thought they were. I assumed that they were. That is, they seemed to have the same political status in the party that I had.

Mr. KUNZIG. And you were a member, as you said?

Dr. MAHANAY. I was a member for some years.

Mr. KUNZIG. Who were the other members that you knew in the Communist Party?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANAY. That is the same question. I answered that to the best of my ability.

Mr. KUNZIG. This is a different question. You were asked as to who recruited you, and you refused to answer. Now I am asking you, what other members of the Communist Party did you know during the time you were a member?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Mr. SCHERER. Rather than repeat all that you have said——

Mr. RAHILL. I think he can answer it in a sentence.

Mr. SCHERER. We understand you are going to refuse to answer this question for the same reasons that you have given up to this point.

Dr. MAHANAY. I would say it is the same thing, only different.

Mr. KUNZIG. Mr. Chairman, I want to make it very clear for this record. This is not the same question; there may be the same answer, but it is not the same question.

Mr. SCHERER. I understand it is a different question, but, as I understand, he is refusing to answer for the same reasons.

Mr. KUNZIG. But he has been saying, Mr. Chairman, that this is the same question. I would like the record clear.

Mr. SCHERER. No, it is not the same question.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANAY. So far as I am concerned, there is no difference in the nature of the question. It is my personal integrity involved.

Mr. SCHERER. Well, whether there is a difference in the questions or not, you are refusing to answer this particular question for the same reasons you have given up to this point?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANAY. Yes, sir.

Mr. SCHERER. All right. Now, let's proceed.

Mr. KUNZIG. How long were you a member of the Communist Party?

Dr. MAHANAY. Well, to the best of my recollection, I would say from about 1935 to possibly the fall of 1948.

Mr. KUNZIG. The fall of 1948?

Dr. MAHANAY. 1948, yes.

Mr. KUNZIG. Did you pay dues during that period of time?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANAY. I think I did, irregularly; I am sure I did. I paid money in, but they were not always necessarily dues.

Mr. SCHERER. What caused you to leave the party, Doctor?

Dr. MAHANAY. Well, that is a long story.

Mr. SCHERER. Well, that is one I would like to hear, or the committee would like to hear.

Mr. KUNZIG. Before that question, there is one more I would like to ask, if I may.

Mr. SCHERER. All right. I will withdraw the question.

Mr. KUNZIG. Thank you sir.

You said you paid dues to the party during that period of time. You have also stated that you know of nothing ever done in any way by either yourself or other acquaintances against the country.

Dr. MAHANEY. Personally.

Mr. KUNZIG. Do you know what was done with the dues money that you gave to the Communist Party?

Dr. MAHANEY. No, I wouldn't say that I did.

Mr. KUNZIG. And you don't know, then, whether that money was used by the Communist Party against the best interests of the United States?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. I have no personal knowledge of it at all.

Mr. KUNZIG. But you did contribute the dues money?

Dr. MAHANEY. I did contribute.

Mr. KUNZIG. Now, to go back to the question that was asked by the chairman a moment ago, what were the reasons which caused you to leave the Communist Party in 1948—was that it?

Dr. MAHANEY. Yes, I think about the fall of 1948.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. Are you ready?

Mr. KUNZIG. We are ready.

Dr. MAHANEY. I should say that around after the war things changed considerably, at least I thought they did, and that I was less interested in the party at the time; that I had more things that I was more interested in, including teaching jobs during and after school, and then——

Mr. SCHERER. Did you find out, Doctor, that the objectives of the party were different from those that you thought they were when you first joined?

Dr. MAHANEY. They may have been, but I didn't notice too much of the objectives changing, as far as I was aware, but I think the political climate changed and the relationship between our country and former allies changed.

Mr. SCHERER. You read quite a bit, don't you, Doctor?

Dr. MAHANEY. Well, yes, I did, and I still do, and I thought that the political atmosphere had changed considerably.

Mr. SCHERER. Certainly you learned during that period that the objectives of the party were different from what you told us you thought they were when you first joined?

Dr. MAHANEY. Well, no, I wasn't too sure of it, but that was one reason why I lost interest. In other words, I was no longer interested in a lot of things that I was interested in in 1930, 1935, 1938, 1940, 1941, 1942, and I thought at the time that maybe the United Nations, when this was set up, would change the thing back to where we would be in a political entente with not only our former enemies, but also our so-called allies.

Then about the same time my whole manner and mode of living changed, and that probably had just as much to do with it, if not more, than anything else.

Mr. SCHERER. You mean you never became more of a capitalist?

Dr. MAHANEY. Well, I never——

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. This is a personal matter. That is why I told you it was a long story.

My first wife and I were separated and then we were divorced, and I moved 25 or 30 miles out of town, and I had teaching jobs during and after school, and I never saw anybody, and I got entirely wrapped up, and more so, in what I was doing. I was teaching 2 or 3 nights a week, and I practically did nothing else, except on weekends, or something of that sort, I would go to see my present wife, and my whole thinking changed and my whole attitude toward everything changed, including my inward self. I wasn't interested in things of that sort, and then when I—I had already moved out of town about 27 or 28 miles, and when my present wife and I married I moved back for approximately a year to the apartment in Germantown.

Then, after living there a year, our first son was born and, of course, the apartment was impossible, so then I proceeded to buy my present residence. In other words, we moved back, actually, to the place where I had lived, although at that time, of course, I had never dreamed of living at that particular spot, never dreamed of it, because I was merely renting a room there; so, in 1948 we moved there, and I would say that my marriage and my two sons who have been born subsequently, and all of that, and my complete lack and divorcement of interest, is the answer, and there is no spectacular answer that I am aware of.

Mr. KUNZIG. May I go on?

Mr. RAHILL. Excuse me just a minute.

Mr. KUNZIG. Yes, certainly.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Mr. RAHILL. Dr. Mahaney wants to say just another word.

Dr. MAHANEY. Could I elaborate on part of that?

Now, the reason I said 1948 is because that was the year—I made a mistake, I think, when I calculated before. I based it on the birth of my youngster, which was 1947 instead of 1948, so even during the time when I lived about 25 or 30 miles out, during the year 1946 and 1947, I had very, very few connections with anything or anyone in town. I rarely saw anybody because I was never in town, and I had too many other interests, and then in 1948, when we moved up there, why, I have a recollection of possibly I was in town to one meeting, but my recollection is that it was not a party meeting, that it was—I stayed in town to go to a Teachers Union meeting and took dinner with the people, left my car at their house, and they drove me to the Teachers Union meeting, and then I came back and got in my car. This must have been, I imagine, October. That would be the nearest I could place it.

Mr. KUNZIG. Now, Dr. Mahaney, you were a member of the party from 1935, roughly, to 1948?

Dr. MAHANEY. I think that is correct.

Mr. KUNZIG. Now, in 1939, when Russia joined in August of that year with Germany and the Communists in this country found that the group that they believed in had suddenly become a partner with the party that was an enemy of communism, you still remained a member of the party, is that right?

Dr. MAHANEY. Well, I still wasn't too much concerned because, actually, I thought the arrangement, which I didn't understand and, frankly, I wasn't too concerned about it—

Mr. SCHERER. You were teaching history, weren't you?

Dr. MAHANEY. Yes, but not that kind of history.

Mr. SCHERE. What kind of history were you teaching?

Dr. MAHANEY. American history.

And I didn't think it concerned us too much, and I looked upon it myself, having been back from the league 2 or 3 years, I looked upon it as one of these transitory arrangements which the boys in Europe frequently think up until they can think up something better.

Mr. SCHERER. Go ahead, Mr. Kunzig.

Mr. KUNZIG. Now, were you a member of a teachers union and, if so, what union?

Dr. MAHANEY. Yes, I was a member of a teachers union.

Mr. KUNZIG. You were a member of the Teachers Union?

Dr. MAHANEY. A member of the Teachers Union referred to this morning.

Mr. KUNZIG. The one of which Mr. Jennings is the head?

Dr. MAHANEY. That is right.

Mr. KUNZIG. When were you a member of that union?

Dr. MAHANEY. Well, I was a member of it for quite a while; I would say probably from about, well, this all might have dated back to around the same time, around September or October 1935.

Mr. KUNZIG. Until?

Dr. MAHANEY. Until probably about 3 years ago——

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. I would say approximately 1951.

Mr. KUNZIG. Until approximately 1951?

Dr. MAHANEY. Yes, when I didn't pay dues, stopped.

Mr. KUNZIG. When you were a member of the Communist Party did you know any other members of this union to be members of the Communist Party?

Dr. MAHANEY. That is the same question.

Mr. KUNZIG. No, that is not the same question. Are you going to give the same answer, which is that you refuse to answer?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. Well, my answer would be somewhat the same, Mr. Kunzig. Since the membership of the Teachers Union is a matter of public record, or is open to this committee, this committee could, if it wishes, and probably does have the names of those people that are members of the union.

Mr. KUNZIG. But you have said that you are a member of the union, and you are a witness before this committee, Dr. Mahaney, and we are asking you as a man who knows something about this field, as a member of the party, we are asking you to help the committee—I understand your viewpoint on it—but we are asking you who you knew from this Teachers Union to be members of the Communist Party with you.

That is the question. If he wishes to give the same answer, he can say.

Mr. SCHERER. Now, the chairman will direct you to answer that question.

Dr. MAHANEY. Well, there may be a fine distinction which I do not see, and so as a matter of conscience, I would have to give you the same answer because I cannot distinguish between my conscience——

Mr. SCHERER. Are you going to give us the same answer you gave to the question as to who recruited you into the party?

Dr. MAHANEY. Yes, for the same reason.

Mr. SCHERER. And the record will so state?

Dr. MAHANEY. Yes.

Mr. KUNZIG. May I suggest, then, if it is agreeable with the witness, when he wishes to do that, it will be the same answer and we will understand him to mean he is refusing to answer because of the same grounds given in refusing to answer the question as to who recruited him into the party.

Mr. RAHILL. We will be happy with that.

Dr. MAHANEY. That is agreeable.

Mr. KUNZIG. Dr. Mahaney, what is your present age?

Dr. MAHANEY. I am 51.

Mr. SCHERER. May I ask, other than persons who you knew intimately in the teaching field or as neighbors or as close friends, did you know any high functionaries in the Communist Party?

Dr. MAHANEY. Personally, do you mean? I would know names that would appear in the paper, but if you mean—

Mr. SCHERER. No. Did you ever come in contact with any functionaries of the party?

Dr. MAHANEY. I don't recall it, no, sir; as far as the—

Mr. SCHERER. Outside of the cell to which you belonged?

Dr. MAHANEY. To the best of my knowledge, I don't recall anything.

Mr. KUNZIG. Did you know Bella Dodd, who testified in Philadelphia—you must have come in contact with her?

Dr. MAHANEY. I knew her as a teacher, or a functionary of the Teachers Union only.

Mr. KUNZIG. Well, she was very active in the Teachers Union?

Dr. MAHANEY. That is right.

Mr. KUNZIG. And as a member of the Communist Party?

Dr. MAHANEY. I thought she was, too, but after I heard her testimony I was quite sure I was wrong on lots of things.

Mr. SCHERER. Dr. Dodd testified on a number of occasions that she was a functionary of the party—I am not hurting Dr. Dodd; she testified before this committee, and the Jenner committee, that she was a member of the Communist Party and a high functionary of the party.

Dr. MAHANEY. That is why I admit to knowing her, because I heard her testify and also heard her testify that she had become a Communist Party member, and I knew her as a functionary in the Teachers Union, as an official of some sort.

Mr. SCHERER. Mr. KUNZIG, that is the second bell for the quorum call. I am going to have to answer it.

We will adjourn for 20 minutes. I will try to be back in 20 minutes. (Whereupon, at 1:45 p. m., the committee recessed, to reconvene at 2:05 p. m., the same day.)

(The hearing reconvened at 2:21 p. m., the following committee members being present: Representative Gordon H. Scherer (presiding).)

Mr. SCHERER. The committee will be in session, and you may proceed, Mr. Counsel.

Mr. KUNZIG. Dr. Mahaney, it is my understanding you wish to make a brief statement based upon the refreshing of your recollection as to dates when you may have left the party. Would you make that statement now, please sir?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANAY. My wife received the impression that I was too fuzzy on the dates, and I talked with her, and her memory on those things is much better than mine, and I didn't intend to give the impression of the time I left the party, which was around 1946-47—in other words, I didn't pay any dues at all after that time, and I think I said something about 1948. Well, I was thinking I did attend 1 or 2 meetings. I wasn't entirely clear in my own mind as to whether they were party meetings or not. The only one I could recall——

Mr. SCHERER. You mean you attended 1 or 2 meetings after you had stopped paying dues?

Dr. MAHANAY. Yes; after I had stopped paying dues, and one of those occasions was in 1948, when I went to this meeting, stayed in town, took dinner with people in town, and went to the Teachers Union meeting.

That is my recollection. It was not a party meeting, and that was in 1948.

Now, so far as dues to the Teachers Union is concerned, I stopped paying dues to them probably about 1948—in other words, about 2 years later.

Mr. KUNZIG. Were Teachers Union meetings so similar to Communist Party meetings that you were able to confuse the two?

Dr. MAHANAY. No; except I just merely brought that in to indicate that I had severed all connections with any kind of organizations whatsoever, that I was not active in any organization.

Mr. SCHERER. Do you belong to the Teachers Union?

(Representative Francis E. Walter entered the hearing room at this point.)

Dr. MAHANAY. I don't know. I imagine I don't, because, as I say, I haven't paid dues for a number of years.

Mr. SCHERER. Well, you don't belong.

Dr. MAHANAY. I don't belong, I suppose, on account of the basis of the bylaws, and so forth, and I haven't paid dues for years.

Mr. KUNZIG. Dr. Mahaney, you talked about the principles that you believed in back in the thirties, that they were similar to the Communist Party principles, and that you joined the party. Do you still believe in those same principles today?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANAY. Well, now, would you state the question over again, because I had to consult my counsel?

Mr. KUNZIG. I will gladly state it again. The point is: I am asking—considering the principles you said you believed in that caused you to join the Communist Party, do you still believe in those same principles today?

Dr. MAHANAY. Well, the principles which were most persuasive in the period 1935-36, that led me to be interested, were the principles of world peace and disarmament, accord among the nations and the establishment of a firm foundation for international peace, which at that time was the League of Nations, although it apparently was beginning its death march.

Now, I'm still interested in world peace, in international accord, and disarmament, and I still believe that it's possible for countries and people of divergent cultures and opinions to get together in harmony.

In other words, if you ask me if I believe in the things the United Nations stand for, I would say "Yes."

Mr. KUNZIG. That wasn't what I asked, but we will go on.

Do you feel that the Communist Party today just stands for peace and fellowship among nations?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. When I shrugged my shoulders, all I meant was I don't know what the party stands for, except what I see in the newspapers and I wouldn't really be able to say "Yes" or "No," because that's all I know about it.

Mr. KUNZIG. Did you know Mary Foley Grossman to be a member of the Communist Party?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. Same answer; same reason. In other words, it is a matter of conscience.

Mr. KUNZIG. We understand. That is already on the record.

Did you know Miss Sarah Walsh as a member of the Communist Party?

Dr. MAHANEY. Same answer, Mr. Kunzig.

Mr. KUNZIG. I don't think I have asked you specifically whether you knew Mr. Jennings who testified here this morning and who was head of the Teachers Union to be a member of the Communist Party.

Dr. MAHANEY. I could answer that truthfully and say I never knew.

Mr. KUNZIG. Your answer is you never knew.

But could he have been a member of the Communist Party without your knowledge?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. I answered the question conscientiously and honestly when I said I had no knowledge whatsoever, but I guess I should give the same answer for the same reason.

I didn't know. I do not know.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Mr. KUNZIG. Dr. Mahaney, the Murray Defense Committee—M-u-r-r-a-y—and this is a letterhead of 7 South Street, Philadelphia—in 1940, April 26, sent out a letter, and on their stationery Dr. W. L. Mahaney, Jr., is listed as chairman of the Philadelphia Conference on Anti-Alien Legislation.

This organization, Mr. Chairman, and for the record, has been cited as a Communist front.

Were you a member of this committee?

I will pass you this document, marked "Mahaney exhibit No. 1" for identification, and ask you if you were on the committee, as listed on that letterhead.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Mr. RAHILL. May we ask counsel if he knows which Murray is referred to?

We don't seem to know.

Mr. SCHERER. If the witness doesn't know, doesn't recollect, he can so state.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANAY. I see it, and I assume—it's my name, of course, but truthfully, I have absolutely no recollection of it whatsoever.

Mr. KUNZIG. So, as to this cited front organization and the name, Dr. W. L. Mahaney, Jr., appearing on it, you have no knowledge as to whether you lent your name or did not lend your name?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANAY. That's true. I wouldn't know whether it was used with or without permission. I recall giving no permission.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANAY. I don't know—could I ask what—

Mr. KUNZIG. Just wait a minute.

Dr. MAHANAY. Could I ask what Murray this is supposed to be?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANAY. I don't know.

(At this point Dr. Mahaney conferred further with Mr. Rahill.)

Mr. KUNZIG. Strike all that last part from the record.

Mr. RAHILL. I don't think that should be stricken, Mr. Kunzig. We are trying honestly to give his best answers and, as he doesn't know who the Murray referred to is, he wants to say that for the record.

Mr. KUNZIG. On the record, Mr. Chairman, I suggest we not have constant conferences here, back and forth. If counsel wishes to talk to his client, he may do so; but I suggest a constant three-way conference not go on because the reporter can't possibly get these facts.

If you wish to make a further statement about whether you did or did not know about this defense committee, please make it now.

Dr. MAHANAY. I don't even know to whom the Murray refers.

Mr. KUNZIG. All right.

Mr. WALTER. Do you know Frank Staats—S-t-a-a-t-s?

Dr. MAHANAY. It doesn't ring any bell at all, Representative Walter.

Mr. WALTER. His name appears on the letterhead as secretary of the Murray defense committee.

Dr. MAHANAY. Even vaguely.

Mr. KUNZIG. I offer Mahaney exhibit No. 1 for identification into evidence, Mr. Chairman.

Mr. SCHERER. Which one?

Mr. KUNZIG. The one you have, the one already identified as Mahaney exhibit No. 1 for identification.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Mr. WALTER. Will you look at these names, please, Doctor, and see if you recognize the people whose names appear at the bottom?

Mr. KUNZIG. I am handing you a document marked "Mahaney exhibit No. 1" for identification.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Mr. SCHERER. Mr. Walter's question was: Do you recognize or do you know any of the individuals whose name appears on that document along with yours?

Dr. MAHANAY. Well, Congressman, I would respectfully have to give you the same answer, for the same reason.

Mr. SCHERER. Irrespective of naming any one or more persons, do you recognize the names of any persons whom you know?

Dr. MAHANAY. Yes; I would say that I recognize a few on here.

Mr. SCHERER. All right. Now, I know what your answer is going to be, but I am going to ask you the question: Do you know any of those to have been members of the Communist Party at the time you were a member of the party?

Dr. MAHANAY. Well, I will respectfully have to——

Mr. SCHERER. I didn't ask you which one, understand. There are a lot of them. You can answer yes or no to that question without revealing the individuals.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANAY. Are you——

Mr. SCHERER. Yes; we are waiting for the answer.

Dr. MAHANAY. Well, of my own personal knowledge, there is none on there that I would know to have been a Communist.

Mr. SCHERER. Were you associated with any of those individuals whose names appear on that document in any activity?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANAY. Well, the only answer that I can conceivably give to that, I imagine, is I knew two of them to be teachers, or to be employed by the board of education.

Mr. SCHERER. Out of all the names that appear on the document you hold in your hand, you say you recognize the names of two individuals other than your own name; is that right?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Mr. SCHERER. Doctor, you don't need any help to answer that question.

(At this point Dr. Mahaney conferred further with Mr. Rahill.)

Dr. MAHANAY. Well, as I said to my counsel, I recognize some of these people's names as names, merely, as——

Mr. SCHERER. Maybe my question wasn't clear. How many individuals whose names appear on the document you hold in your hand did you know and were you acquainted with?

Dr. MAHANAY. Well, I can only see on this document probably 3 or 4 that I knew, I would know as names merely.

Mr. SCHERER. As names merely?

Dr. MAHANAY. Yes.

Mr. SCHERER. Then your answer is you don't——

Dr. MAHANAY. I would have to——

Mr. SCHERER (continuing). Know any of them personally?

Dr. MAHANAY. Yes; to see them. I would know them if I saw them; yes, if I saw them.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANAY. I would say that I know four as personal acquaintances, either I know their names from their pictures in the paper or something of that sort.

Mr. SCHERER. You know four as personal acquaintances?

Dr. MAHANAY. Approximately; yes. Yes.

Mr. SCHERER. Were you ever associated with those four in any kind of activity?

Dr. MAHANAY. Yes. Yes; three of them at one time, in the Teachers' Union.

Mr. SCHERER. In the Teachers' Union?

Dr. MAHANAY. That would be the only way.

Mr. SCHERER. Were 1 or more of the 4 with whom you were personally acquainted members of the Communist Party?

Dr. MAHANAY. Well, as I said, not to my knowledge. I wouldn't know, to my personal knowledge. I would have no knowledge of that.

Mr. SCHERER. Since you are not naming them, did you consider them to be members of the Communist Party during the time that you were a member?

Dr. MAHANAY. No; three of them I wouldn't. The one I would probably have a mental reservation about, with no reason at all, except that I just didn't know.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Mr. SCHERER. Go ahead, Mr. Counsel.

Mr. KUNZIG. I offer this into evidence as exhibit 1.

Mr. SCHERER. All right; it may be so received.

(A photostatic copy of a letter dated April 26, 1940, on the letterhead of the Murray Defense Committee, 7 South St., Philadelphia, Pa., previously marked "Exhibit No. 1" for identification, was received in evidence as Mahaney exhibit No. 1.)³

Mr. KUNZIG. I have another document marked Mahaney Exhibit No. 2, for identification, which is a call to a Conference on Constitutional Liberties in America, dated June 7, 8, and 9, 1940. Listed as a sponsor to this conference call, which group was cited by Attorney General Francis Biddle in 1942, is Dr. W. L. Mahaney, Jr., of Philadelphia, Pa.

Did you sponsor this group during the period of time that you were a member of the Communist Party?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANAY. I have no recollection of it, although it's quite possible. I mean——

Mr. KUNZIG. You have no recollection of having been a sponsor?

Dr. MAHANAY. I have no recollection of agreeing to be a sponsor, or even being one.

Mr. KUNZIG. Do you have a recollection of having attended any meetings of this group?

Dr. MAHANAY. That I do not recall either. It's very——

Mr. KUNZIG. Do you have any possible explanation as to how your name was used?

Dr. MAHANAY. I wouldn't have the slightest idea.

Since it came in June, June 7, 8, and 9, presumably I would be teaching school and I probably wouldn't be there. I mean without checking the dates or anything——

Mr. KUNZIG. Has it ever come to your attention at any time that your name has been used on documents unauthorizedly?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANAY. I don't think I ever had it called to my attention until just now; and I'm not at all certain about it, how they got the name.

Mr. KUNZIG. Mr. Chairman, I offer Mahaney exhibit No. 2 for identification in evidence as Mahaney exhibit No. 2.

Mr. SCHERER. It may be so received.

(A photostatic copy of a document entitled "Call to a Conference on Constitutional Liberties in America", dated June 7, 8, and 9,

³ Retained in the files of the committee.

previously marked "Exhibit No. 2" for identification, was received in evidence as Mahaney exhibit No. 2.)⁴

Mr. KUNZIG. I have another document, marked "Mahaney Exhibit No. 3" for identification, which is a letterhead of the National Federation for Constitutional Liberties, 1410 H Street NW., Washington, D. C., dated November 6, 1940.

The National Federation for Constitutional Liberties has been cited as subversive and Communist by Attorney General Tom Clark.

On the back of that, in addition to Mary Foley Grossman and others, appears the name of Dr. W. L. Mahaney, Jr., of Philadelphia, Pa.

Dr. MAHANAY. I hand you a document marked "Mahaney Exhibit No. 3" for identification and ask you whether you were a sponsor of that organization.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Mr. SCHERER. Mr. Kunzig, I am sorry but we are going to have to recess for another 20 minutes, at least.

Mr. RAHILL. Would it be possible, Mr. Chairman, to recess long enough to have a little lunch—or if you would be back in 20 minutes, we would rather get on with it, of course.

Mr. SCHERER. We will leave it up to you. You wanted to get back to Philadelphia as soon as you can.

Mr. RAHILL. We will wait.

Mr. KUNZIG. There is a little lunch room right below here.

Mr. SCHERER. We will do what you want.

We will recess for a half hour.

Mr. RAHILL. That will be fine.

(Whereupon, at 2:45 p. m., the hearing was recessed, to reconvene at 3:15 p. m.)

(The hearing reconvened at 3:20 p. m., the following committee members being present: Representative Gordon H. Scherer (presiding).)

Mr. SCHERER. We will proceed, Mr. Counsel.

Mr. KUNZIG. Will you read back the last question, please, Mr. Reporter?

(The reporter read the question as follows:

Doctor Mahaney, I hand you a document marked "Mahaney Exhibit No. 3" for identification and ask you whether you were a sponsor of that organization.)

Dr. MAHANAY. I don't recall giving my permission to use my name on this sponsorship sheet, and I have no recollection of having given it.

Mr. KUNZIG. Would you deny that you were a sponsor of that organization?

Dr. MAHANAY. No; I don't think I would deny it because I have no recollection of so doing, and I think it may have been used without my permission.

I know of one other case, Mr. Kunzig, where my name appeared on a sponsorship sheet and I knew nothing of it until I received a notification of the meeting.

This may be a similar thing. I have no recollection of having given permission.

Mr. KUNZIG. So, this is another organization, another group, and, I might add, another cited Communist-front group, that you have no recollection of having lent your name to?

⁴ Retained in the files of the committee.

Dr. MAHANEY. That's correct.

Mr. KUNZIG. I offer Mahaney exhibit No. 3 for identification into evidence, Mr. Chairman, as Mahaney Exhibit No. 3.

Mr. SCHERER. It may be so received.

(A letter dated November 6, 1940, on the letterhead of the National Federation for Constitutional Liberties, 1410 H Street, NW., Washington, D. C., addressed to a Miss Eastman and signed by Owen A. Knox, previously marked Mahaney exhibit No. 3 for identification, was received in evidence as Mahaney exhibit No. 3.)⁵

Mr. KUNZIG. I have here an issue of the Daily Worker of Thursday, December 19, 1940, in which there is an appeal article, special to the Daily Worker, Free Sam Darcy, Educators and Writers Urge Olson.

This was an article in which a group of people signed an appeal on behalf of Sam Darcy, and among the names listed there is Dr. W. L. Mahaney, Jr., of Philadelphia, Pa.

Did you authorize you name to be used in this appeal for the Communist, Sam Darcy?

Dr. MAHANEY. Certainly and to the best of my knowlege absolutely not.

Mr. SCHERER. Do you remember ever signing an appeal for Sam Darcy?

Dr. MAHANEY. I certainly did not, so far as I recall; never.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Mr. SCHERER. Do you know who Sam Darcy was?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. Yes; I think I knew who he was, but I'm not sure. He was a Communist leader in Philadelphia or Pennsylvania, as far as I recall

Mr. SCHERER. You have no recollection now of signing the petition?

Dr. MAHANEY. So far——

Mr. SCHERER. The question is not whether you loaned your name. My question is whether you actually signed a petition for and on his behalf.

Dr. MAHANEY. I have absolutely no recollection of so doing; absolutely none, and personally——

Mr. SCHERER. I can see, Doctor, how you might——

Dr. MAHANEY (continuing). And I would doubt it.

Mr. SCHERER (continuing). Fail to recollect sponsoring 1 or 2 of these organizations, but it is difficult for me to fully appreciate how all of these organizations would have used your name without your authority or you having no recollection with reference to the same.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. I know nothing about this. This strikes no chord of memory whatsoever.

Mr. KUNZIG. The others didn't either, did they?

Dr. MAHANEY. No; not particularly. No; they did not.

Mr. SCHERER. Although you would infer that the doctor is perfectly frank because of the fact he admitted his membership in the party.

Mr. KUNZIG. I should like to offer this document, which I shall mark "Mahaney Exhibit No. 4" for identification, into evidence as Mahaney exhibit No. 4. I now so offer it.

⁵ Retained in the files of the committee.

Mr. SCHERER. It may be so received.

(A copy of the December 19, 1940, issue of the Daily Worker, containing an article entitled "Free Sam Darcy, Educators and Writers Urge Olson," previously marked "Mahaney Exhibit No. 4" for identification, was received in evidence as Mahaney exhibit No. 4.)⁶

Mr. KUNZIG. I have here a document, marked "Mahaney Exhibit No. 5," for identification, which is a photostat of the Daily Worker, Wednesday, March 5, 1941, which contains a list of signers of a statement defending the Communist Party, in a letter addressed to the President of the United States. Among the names is the name of Dr. W. L. Mahaney, Jr., of Philadelphia.

Did you sign this statement defending the Communist Party?

I hand you Mahaney exhibit No. 5 for identification.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Mr. RAHILL. Whereabouts is it?

Dr. MAHANEY. Where is it?

Mr. KUNZIG. All the way down, below, to the right, marked in red. This is during the period of time, of course, that you were, by your own admission, a member of the Communist Party.

Dr. MAHANEY. I haven't—

Mr. SCHERER. Of course, what might have happened, Mr. Kunzig—they, knowing the doctor was a member of the Communist Party, without his consent or knowledge, just used his name.

Dr. MAHANEY. I think that is the only conceivable explanation, Mr. Scherer, because I haven't the faintest recollection of signing anything like that or giving any permission for my name to be used.

Mr. SCHERER. You can appreciate now, you being a doctor and an educator, the weight your name gave to these various Communist-front organizations.

Dr. MAHANEY. I saw this—so far as I know, this is the first time I ever saw it in my life.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. Oh, certainly I agree with that, what you just said, and I am also trying to make this clear—that seeing this is the first time to my recollection I ever saw it.

Mr. SCHERER. At the beginning of your testimony you said you felt your membership in the party in no way harmed the Government of the United States. Now your membership in the party, together with the place that you hold in the education field, you can see has contributed much to the Communist Party strength, let us say, in this country.

Dr. MAHANEY. I would say unbeknownst to me.

Mr. SCHERER. All right; your membership in the party made that possible, though, did it not?

Dr. MAHANEY. Yes; I think that's right.

Mr. KUNZIG. I offer Mahaney exhibit No. 5 for identification into evidence as Mahaney exhibit No. 5, Mr. Chairman.

Mr. SCHERER. It may be so received.

(A photostatic copy of p. 2 of the March 5, 1941, issue of the Daily Worker, previously marked "Mahaney Exhibit No. 5," for identification, was received in evidence as Mahaney exhibit No. 5.)⁷

Mr. KUNZIG. I have here a document marked "Mahaney Exhibit

⁶ Retained in the files of the committee.

⁷ Retained in the files of the committee.

No. 6" for identification, which is a program of the Fifth National Conference of the American Committee for Protection of Foreign Born in 1941 at the President Hotel in Atlantic City. One of the sponsors, listed on the back of this program, of this conference is Dr. W. L. Mahaney, Jr., of Philadelphia, Pa.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Mr. KUNZIG. The American Committee for Protection of Foreign Born has been cited as subversive and Communist by Attorney General Tom Clark.

(At this point Dr. Mahaney conferred further with Mr. Rahill.)

Dr. MAHANAY. Mr. Kunzig, I at one time was a member or I contributed—I don't recall signing any membership card—that might even have happened, but at one time I did contribute to the American Committee for the Protection of the Foreign Born.

Mr. KUNZIG. What did you contribute?

Dr. MAHANAY. I mean I——

Mr. KUNZIG. Money?

Dr. MAHANAY. I think I gave them a couple of dollars; maybe a dollar, maybe \$2.

(Representative Francis E. Walter entered the hearing room at this point.)

Dr. MAHANAY. But that would be the extent.

I don't recall anything of this sort. I don't recall anything like this.

Mr. KUNZIG. I see.

Dr. MAHANAY. As far as I recall, I was never at any meeting in Atlantic City.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANAY. And I certainly didn't authorize that.

I suppose this was used because of the fact they had my name on a contributors' list.

Mr. KUNZIG. Then, Dr. Mahaney, this is the sixth consecutive exhibit, right along the way, where your name was used and in which you, I believe, quite sincerely and honestly say you had no recollection of it whatsoever?

Dr. MAHANAY. Yes.

Mr. KUNZIG. You never knew about it?

Dr. MAHANAY. That's quite true.

Mr. KUNZIG. It is beginning to be apparent that your name was used quite frequently, isn't it?

Dr. MAHANAY. I don't doubt it at all now.

Mr. KUNZIG. I offer this document in evidence as Mahaney exhibit No. 6, Mr. Chairman.

Mr. SCHERER. It is obvious, as I said before, they felt free to use it because of this——

Dr. MAHANAY. Membership.

Mr. SCHERER. Membership in the party.

Mr. KUNZIG. Would you admit that, sir?

Mr. SCHERER. Yes; that will be admitted.

(A copy of a program of the Fifth National Conference of the American Committee for Protection of Foreign Born, previously marked "Mahaney Exhibit No. 6" for identification, was received in evidence as Mahaney exhibit No. 6.)⁸

⁸ Retained in the files of the committee.

Mr. KUNZIG. I have a document, marked "Mahaney Exhibit No. 7" for identification, which refers to this same group, the American Committee for the Protection of Foreign Born. This is a document called the Registration of Aliens, written by the Honorable, at that time, Vito Marcantonio, with an introduction by Carey McWilliams—Carey McWilliams was chairman of this committee, and listed again is a Dr. W. L. Mahaney, Jr.

Dr. MAHANEY. I think the answer is probably the same.

Mr. RAHILL. Let's look at it.

Dr. MAHANEY. Let me see. I don't know.

Mr. KUNZIG. This is the seventh consecutive document.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. Yes. Yes; I think so.

Mr. WALTER. What is the name of that organization?

Dr. MAHANEY. This is the American Committee for the Protection of the Foreign Born.

Mr. KUNZIG. Cited as subversive by Attorney General Tom Clark.

Mr. WALTER. That is the crowd that is trying to have the iniquitous McCarran-Walter Immigration Act repealed.

Mr. RAHILL. I thought they died long before that illustrious act came into being.

Mr. WALTER. No; no. It has been revived. It is the same rose, you know.

Mr. KUNZIG. Did you lend your name to that, sir?

Dr. MAHANEY. If I recall this particular incident, or this particular pamphlet, I received a letter from the national office asking if my name might be used in this respect.

It's been an awfully long time ago—1941—and I was asked to let my name be used on the letterhead as one of the directors.

I attended one meeting in New York City one Sunday and it possibly was about this same period, and that lasted—I got off the board; I dropped out of the thing, and I never heard anything more of it.

Mr. SCHERER. It may be marked and received in evidence.

Mr. KUNZIG. May I offer this in evidence, then, Mr. Chairman, as Mahaney exhibit No. 7?

Mr. SCHERER. You may. It is so received.

(A pamphlet entitled "The Registration of Aliens, by Hon. Vito Marcantonio, Member of Congress, with an introduction by Carey McWilliams," previously marked "Mahaney Exhibit No. 7" for identification, was received in evidence as Mahaney exhibit No. 7.)

Mr. KUNZIG. Were you ever a sponsor of the American Peace Mobilization?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Mr. KUNZIG. That was cited as subversive, Mr. Chairman, and for the record, by Attorney General Tom Clark.

Dr. MAHANEY. The thing sounds familiar, but it doesn't ring any bell.

May I see that?

Mr. KUNZIG. I hand you a document, marked "Mahaney Exhibit No. 8" for identification, which is a call to the American People's Meeting, and so forth, and lists as signers of the call the name of Dr. W. L. Mahaney, in red.

This was in 1941.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANAY. Mr. Chairman, I have no recollection of the invitation or the request to use this name.

Now, it was probably used in virtue of the fact that one time I was secretary of the Pennsylvania Federation of Teachers, which was an organization of statewide locals. We had 10 or 15 locals. That was back in 1936, 1937, 1938, 1939, 1940.

Mr. KUNZIG. That was when the local was still under the A. F. of L.?

Dr. MAHANAY. That was when it was in the A. F. of L.

Mr. KUNZIG. You are one of the organizers of that A. F. of L. union that was discussed here this morning?

Dr. MAHANAY. No; I was elected secretary of the federation, which embraced about 8 or 10 locals.

Mr. KUNZIG. Let me ask you: Were you an officer at any time of local 192?

Was that the local number of that A. F. of L. group?

Dr. MAHANAY. Yes.

Mr. KUNZIG. The group that has been discussed here all day?

Dr. MAHANAY. Yes.

Mr. KUNZIG. Were you an officer of that union at any time?

Dr. MAHANAY. Yes; some years ago, back around, I guess, this period.

Mr. KUNZIG. Were you an officer when it was thrown out of the A. F. of L., as testified here by a witness this morning, Jennings, for Communist activities?

Dr. MAHANAY. I wasn't actually an officer of that local. I was a member.

Mr. KUNZIG. You were a member?

Dr. MAHANAY. Yes.

Mr. KUNZIG. Were you at that time an officer?

Dr. MAHANAY. No; I don't think I was.

Mr. KUNZIG. Just a member?

Dr. MAHANAY. Just a member.

Mr. KUNZIG. And you have no particular recollection at all of authorizing the use of your name as a signer of that call?

Dr. MAHANAY. None at all. I think it was probably taken from a list.

Mr. KUNZIG. I offer this in evidence as exhibit 8, Mr. Chairman.

Mr. SCHERER. It may be so received.

(A document headed "Call, American People's Meeting, New York City, April 5-6, 1941", previously marked "Mahaney Exhibit No. 8" for identification, was received in evidence as Mahaney exhibit No. 8.)⁹

Mr. KUNZIG. Here is a document, marked "Mahaney Exhibit No. 9" for identification, which, over a list of speakers, says:

The Philadelphia Council of American-Soviet Friendship will furnish authoritative speakers on a variety of subjects, without charge or at a nominal cost—

and amongst the teachers it lists Adele Margolis, from Philadelphia schools, and it says:

Dr. W. L. Mahaney, professor of history, Soviet Foreign Policy—
apparently listing you as a speaker in that field.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

⁹Retained in the files of the committee.

Mr. KUNZIG. Did you give permission for your name to be so listed by this group?

Dr. MAHANEY. Mr. Chairman, I don't know whether this has any connection with it or not, but I did my doctor's work in the field of international disarmament. My doctor's thesis was done in the field of disarmament, the Soviet Union, and the League of Nations. So, my doctor's work was done in that field, and that certainly doesn't quite qualify me—I don't consider myself and nobody else that I ever knew considered me an expert in Soviet relations.

Mr. SCHERER. The question is: "Did you authorize——"

Dr. MAHANEY. No; I knew nothing about it.

Mr. SCHERER. The use of your name in connection with that publication?

Dr. MAHANEY. I knew nothing about this. There's no question about this.

Mr. SCHERER. Did you ever give any lectures——

Dr. MAHANEY. Under their auspices?

Not to my recollection.

Mr. SCHERER. Let me finish my question.

Did you ever give any lectures which were——

Dr. MAHANEY. On Soviet foreign policy?

Mr. SCHERER. Let me see that.

Mr. KUNZIG. Yes, sir.

Mr. SCHERER. Did this group ever obtain any lecturing engagements for you?

Dr. MAHANEY. I don't recall a single one.

Mr. KUNZIG. For the record, Mr. Chairman, the National Council of American-Soviet Friendship is cited as subversive and Communist by Attorney General Tom Clark.

I offer this into evidence as exhibit 9, Mr. Chairman.

Mr. SCHERER. It may be so received.

(A photostatic copy of a document entitled "Friends in War; Friends in Peace", previously marked "Mahaney Exhibit No. 9" for identification, was received in evidence as Mahaney exhibit No. 9.)¹⁰

Mr. KUNZIG. I have a document marked "Mahaney Exhibit No. 10" for identification, which is a letterhead, Mr. Mahaney, of the Philadelphia Council of American-Soviet Friendship, and listed as one of the vice chairmen, this time as vice chairman of the organization, is Dr. W. L. Mahaney. This is in March of 1946.

I hand you Mahaney Exhibit No. 10 for identification and ask you whether you were in the position so listed there.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Mr. KUNZIG. While I am at it, I will hand you Mahaney exhibit No. 11, dated May 21, 1947, a year later, which also lists Dr. W. L. Mahaney as vice chairman of the Philadelphia Council of American-Soviet Friendship.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. Mr. Chairman, as far as I ever knew, I don't recall ever being a vice chairman. I was on the board of directors for about, possibly a year or something of that sort.

Mr. KUNZIG. During that year did you ever see a letterhead once with your name listed as vice chairman?

¹⁰ Retained in the files of the committee.

Dr. MAHANEY. I may have. I have no recollection of it whatsoever.

Mr. KUNZIG. You have no recollection?

Dr. MAHANEY. I never saw anything, to my knowledge.

Mr. KUNZIG. Mr. Chairman, I offer these documents into evidence as Mahaney Exhibits Nos. 10 and 11.

Dr. MAHANEY. I don't mean to seem facetious, or anything.

Mr. SCHERER. The documents may be received.

(A photostatic copy of a letter dated March 1946, on the letterhead of the Philadelphia Council of American-Soviet Friendship, and signed by Elizabeth P. Frazier, previously marked "Mahaney Exhibit No. 10" for identification, was received in evidence as Mahaney exhibit No. 10; and a photostatic copy of a letter dated May 21, 1947, on the letterhead of the Philadelphia Council of American-Soviet Friendship, signed by Elizabeth P. Frazier and Katzman, previously marked "Exhibit No. 11" for identification, was received in evidence as Mahaney exhibit No. 11.)¹¹

Dr. MAHANEY. I was on the board of directors. I know that.

Mr. KUNZIG. Did you ever act as instructor at the Philadelphia School of Social Science and Art, which has been cited as an adjunct to the Communist Party by Attorney General Tom Clark?

Dr. MAHANEY. Yes. I taught a course in American history there, I think, which covered a 6-week period.

Mr. WALTER. What textbooks were used?

Dr. MAHANEY. I'm trying to think, Mr. Walter. I don't know whether we used any textbooks. It was a sort of a lecture course for adults, and it was mostly lectures.

We went back to the American Revolution and came up to the Civil War.

Mr. WALTER. Who were the lecturers?

Dr. MAHANEY. I was the only one.

Mr. WALTER. You were the only one?

Dr. MAHANEY. In this particular course that I know anything about.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Mr. WALTER. You don't think you used any textbooks?

Dr. MAHANEY. No; I think I probably used the same information that I had acquired in years of study. In other words, I don't think I used any written notes.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. I didn't assign readings, and things of that sort.

Mr. WALTER. You did not assign readings?

Dr. MAHANEY. I did not, as I recall.

Mr. WALTER. My curiosity is aroused. I would like to know what kind of course in American history you teach.

Mr. KUNZIG. May I—

Mr. WALTER. Yes.

Mr. KUNZIG. I have here a Philadelphia school catalog, marked "Mahaney Exhibit No. 14" for identification, which I will hand to you, and I will also give you Mahaney exhibits Nos. 12 and 13 for identification, which are catalogs of the school.

I point out to you on page 5 of Mahaney exhibit No. 14 for identification there is listed Dr. Wilbur Lee Mahaney, Jr., as lecturer in

¹¹ Retained in the files of the committee.

America's Role in World Politics, and it says: "This course will trade the historical background of our country's present foreign policy."

Did you so lecture?

Dr. MAHANAY. I don't think so. I don't recall that at all.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Mr. KUNZIG. Mahaney exhibit No. 13 for identification, on page 21, lists "American History—Dr. Wilbur Lee Mahaney, Jr.," and it says: "A general survey of the main epochs in American history. Events leading up to the conflict with fascism."

Did you lecture on those subjects?

Dr. MAHANAY. I certainly did not.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANAY. This is the one I taught.

Mr. KUNZIG. Will you identify it?

Dr. MAHANAY. This is the only one I know anything about.

Mr. RAHILL. You identify it for him, Mr. Kunzig.

Dr. MAHANAY. This one.

Mr. KUNZIG. In Mahaney Exhibit No. 13, marked so for identification, you are referring to a course in American history, on page 21 of that document, which is the fall session, 1944, of the Philadelphia School of Social Science and Art. That is the lecture that talks about events leading up to the conflict with fascism. Did you give that lecture?

Dr. MAHANAY. No; not that particular lecture that I know anything about. We only got up to about—not quite to the Civil War, actually.

Mr. KUNZIG. I see.

Dr. MAHANAY. The election of Lincoln.

Mr. KUNZIG. You got as far as Lincoln, but no further?

Dr. MAHANAY. The election of Lincoln; not even the Civil War.

Mr. KUNZIG. Mr. Chairman, these three documents, all of which list Dr. Mahaney's name, I offer into evidence as exhibits 12, 13, and 14.

Mr. SCHERER. They may be so received.

(A booklet entitled "The Philadelphia School of Social Science and Art, Winter Session 1945," previously marked "Mahaney Exhibit No. 12" for identification, was received in evidence as Mahaney exhibit No. 12; a copy of a booklet entitled "The Philadelphia School of Social Science and Art, Fall Session, 1944," previously marked "Mahaney Exhibit No. 13" for identification, was received in evidence as Mahaney exhibit No. 13; and a booklet entitled "Catalog of the Philadelphia School of Social Science and Art, 174 Walnut Street, Philadelphia 3, Pennsylvania, Spring Term, April to June 1944," previously marked "Mahaney Exhibit No. 14" for identification, was received in evidence as Mahaney exhibit No. 14.)¹²

Mr. KUNZIG. If it hasn't been made clear, I will gladly make clear for the record that these are catalogs, announcing courses of this Philadelphia School of Social Science and Art for the years 1944 and 1945.

How many lectures do you recollect that you gave for this school?

Dr. MAHANAY. I think it probably lasted—I think there were 10 lectures, Mr. Kunzig, and I believe that was just 1 course, if I recall.

¹² Retained in the files of the committee.

Mr. KUNZIG. I should like to show you a document marked "Mahaney Exhibit No. 15" for identification, headed "The tribute to Jewish youth on the occasion of the fourth anniversary of American Youth for Democracy."

The American Youth for Democracy is a cited organization, cited by Attorney General Tom Clark as subversive and Communist.

Listed as one of the sponsors of this tribute to Jewish youth on the fourth anniversary of the American Youth for Democracy is Dr. W. L. Mahaney, Jr.

I neglected to read that date. Will you read that date there, please?

Dr. MAHANEY. The date is November 1947.

Mr. KUNZIG. Were you a sponsor of that group, sir, and did you so lend your name?

Dr. MAHANEY. I certainly did not. I am hearing about it for the first time, when you read it, as far as I recall. I never heard of it, to my recollection.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Mr. KUNZIG. That fourth anniversary was celebrated by a dinner and a meeting at the Benjamin Franklin Hotel in Philadelphia. Did you attend that dinner and meeting, Dr. Mahaney, to the best of your recollection?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. I have absolutely no recollection of having gone to this; none whatsoever.

Mr. KUNZIG. I offer in evidence, then, this document marked "Mahaney Exhibit No. 15" for identification, Mr. Chairman, as Mahaney exhibit No. 15.

Mr. SCHERER. It may be so received.

(A document entitled "A tribute to Jewish youth on the occasion of the fourth anniversary of American Youth for Democracy," previously marked "Mahaney Exhibit No. 15" for identification, was received in evidence as Mahaney exhibit No. 15.)¹³

Mr. KUNZIG. Did you know Eleanor Fleet as a member of the Communist Party?

Dr. MAHANEY. I'll have to give you the same answer, for the same reason, Mr. Kunzig.

Mr. KUNZIG. So that the record is clear, I want to make sure it is understood this same answer is the answer you gave earlier today with regard to the first question as to who recruited you into the party—

Dr. MAHANEY. Yes.

Mr. KUNZIG. Which is that you refuse to answer for reasons of conscience and not relying upon any amendment of the Constitution? (At this point Dr. Mahaney conferred with Mr. Rahill.)

Mr. SCHERER. I will direct the witness to answer the question as to whether or not he knew Mrs. Fleet.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Mr. KUNZIG. As a member of the Communist Party is the way I asked the question; to be a member of the Communist Party.

(At this point Dr. Mahaney conferred further with Mr. Rahill.)

¹³ Retained in the files of the committee.

Dr. MAHANEY. Mr. Chairman, I must respectfully give the same answer as I gave at the first, about the question about who recruited me into the party, even though that person is now dead.

Mr. SCHERER. I think my question is a little different from Mr. Kunzig's. He asked you whether you knew Mrs. Fleet as a Communist Party member. I am going to ask you the question: Do you know Mrs. Fleet or did you know Mrs. Fleet?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. I think, Mr. Chairman, I can't differentiate in my own mind the difference between your question and Mr. Kunzig's.

Mr. SCHERER. All right.

Dr. MAHANEY. So, I just respectfully will have to submit the same answer.

Mr. SCHERER. I will direct you to answer the question as to whether or not you know Mrs. Fleet.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. Will you repeat that again, Mr. Scherer?

The question is—

Mr. SCHERER. I am directing you to answer the question whether or not you know Mrs. Fleet.

Dr. MAHANEY. Yes; I know her. I have met her.

Mr. SCHERER. Now, the question is: Do you know whether or not Mrs. Fleet was ever a member of the Communist Party?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. Well, I think my answer will have to be—I'll have to give you the same answer for the same reason.

Mr. SCHERER. I will direct you to answer that question, Doctor.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. Well, it's the same answer, I think, Mr. Scherer.

Mr. SCHERER. Same answer?

Dr. MAHANEY. Same answer.

Mr. SCHERER. You refuse to answer for the reasons you gave in response to the question asked you about your joining the Communist Party?

Dr. MAHANEY. Yes.

Mr. KUNZIG. So the record is clear, those reasons are that you refuse to answer on the grounds of conscience?

Dr. MAHANEY. That's right.

Mr. KUNZIG. And you are not relying on any constitutional amendment?

Dr. MAHANEY. I am not. That's correct.

Mr. KUNZIG. That is correct. All right.

Dr. Mahaney, we have sworn testimony here that Communist Party meetings were held at the residence of Sidney and Geneive—G-e-n-e-i-v-e—Fox, 2220 Pine Street in Philadelphia and that you attended the meetings at the home of the Foxes; is that correct?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. That's the same answer, Mr. Kunzig.

Mr. KUNZIG. The same answer.

Dr. MAHANEY. And for the same reason.

Mr. KUNZIG. Did you know Sidney and Geneive Fox?

I am just asking you whether you knew them.

Dr. MAHANEY. Same answer.

Mr. KUNZIG. For the same reason?

Dr. MAHANEY. For the same reason.

Mr. KUNZIG. I will ask you whether you knew them to be members of the Communist Party.

Dr. MAHANEY. Same answer, for the same reason, Mr. Kunzig.

Mr. KUNZIG. The sworn testimony goes on to list a group of people who frequented these meetings of the Communist Party held at 2220 Pine Street in Philadelphia:

Adeline Mahaney is listed as one—and she was, I believe, your former wife; Wilbur Mahaney; Lillian Lowenfels—L-o-w-e-n-f-e-l-s; Adele Margolis; Harry and Ethel Fruit—F-r-u-i-t; Esther Soler—S-o-l-e-r; Abe Egnal—E-g-n-a-l; and Mary Foley Grossman.

The question is, with the exception of yourself, did you know any of these other people to be members of the Communist Party?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. Mr. Kunzig, I would have to give you, as a matter of conscience, the same answer, for the same reason.

Mr. KUNZIG. You don't have to. Do you?

Dr. MAHANEY. I do. I am compelled under my conscience.

Mr. WALTER. Doctor, don't you realize in taking the position you are taking you are in contempt of Congress?

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. Mr. Walter, I don't believe you were here when—

Mr. WALTER. Yes; you say you refuse to answer the questions on the ground of your conscience. I don't know what section of the Constitution permits you to do that; but if I understand you correctly I am afraid that you have been advised to take a position that very definitely places you in contempt of the Congress.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. Well, I started to say, Mr. Walter, you weren't here when Mr. Scherer explained that to me, and he asked me if this was my conscientious position, and I told him that it was, and he explained to me that I would probably be in jeopardy of contempt of Congress; and I told him that I had realized that, that my counsel had so advised me, but that some things were a matter of conscience, and I recall William Penn and a lot of other Quakers and pacifists who, for one reason or another, were placed in jeopardy, and I cannot escape it.

I explained to Mr. Scherer and to Mr. Kunzig—

Mr. WALTER. All right; I just wanted to know that you knew. I am sorry that I wasn't here.

Dr. MAHANEY. That I meant no disrespect to the committee, as a committee, or to Congress, or to our Government, or to persons on the committee, and that this was a matter of deepest conscience with me; and I'm sorry you weren't here, and I've taken up your time to go over it.

Mr. WALTER. I am, too.

Mr. KUNZIG. Mr. Chairman, I want to get directions on the record here.

I respectfully request the chairman to direct the question be answered as to whether Dr. Mahaney knew Sidney and Genevieve Fox.

Mr. SCHERER. You are directed to answer that question.

(At this point Dr. Mahaney conferred with Mr. Rahill.)

Dr. MAHANEY. I thought I answered that, Mr. Kunzig.

Mr. KUNZIG. Is your answer the same?

Dr. MAHANEY. The same answer; the same reason.

Mr. KUNZIG. I respectfully request the chairman to direct the witness to answer the question as to whether he knew Adele Margolis, Lillian Lowenfels, Nathan Margolis, Harry and Ethel Fruit, Esther Soler and Abe Egnal, and Mary Foley Grossman to be members of the Communist Party, or any one of those.

Mr. SCHERER. I direct you to answer that question, Doctor.

Dr. MAHANEY. Mr. Kunzig, I will have to say I——

Mr. KUNZIG. The same answer?

Dr. MAHANEY. The same answer; the same reason.

I don't want to seem perfunctory.

Mr. KUNZIG. All right.

I have no further questions, Mr. Chairman.

Mr. SCHERER. Mr. Walter.

Mr. WALTER. I have no questions.

Mr. SCHERER. I have no further questions and, if that is all, the witness will be excused.

The committee will stand in recess until tomorrow morning at 10 o'clock.

(Whereupon, at 3:55 p. m., the hearing was recessed, to reconvene at 10 a. m., Wednesday, February 17, 1954.)

INDEX

INDIVIDUALS

	Page
Augenblick, Delphia.....	3901-3904 (testimony)
Backman, Irving W.....	3933-3936
Berger, David.....	3901-3904
Biddle, Francis.....	3955
Carroll, John Rogers.....	3917-3930
Clark, Tom.....	3938, 3956, 3959, 3960, 3963, 3965
Darcy, Sam.....	3957, 3958
Dodd, Bella.....	3950
Drasin, Samuel.....	3928, 3929-3930 (testimony)
Dubin, Harry Nathan.....	3937-3941 (testimony)
Eastman, Miss.....	3967
Egnal, Abraham.....	3933-3936 (testimony), 3967, 3968
Fleet, Eleanor.....	3707, 3911-3916 (testimony), 3965, 3966
Forer, Lois.....	3904-3911
Fox, Geneive.....	3966
Fox, Sidney.....	3966
Frazier, Elizabeth P.....	3963
Fruit, Ethel.....	3967, 3968
Fruit, Harry.....	3967, 3968
Grossman, Mary Foley.....	3952, 3956, 3967, 3968
Intille, Angelina.....	3904-3911 (testimony), 3914
Jennings, Francis P.....	3916, 3917-3928 (testimony), 3949, 3952, 3961
Katzman.....	3963
Knox, Owen A.....	3957
Kuzma, Joe.....	3940
Lorry, W. R.....	3911-3916
Lowenfels, Lillian.....	3967, 3968
Mackley, Carl.....	3912
Mahaney, Adeline.....	3967
Mahaney, Wilbur Lee, Jr.....	3942-3968 (testimony)
Marcantonio, Vito.....	3960
Margolis, Adele.....	3961, 3967, 3968
Margolis, Nathan.....	3968
McWilliams, Carey.....	3960
Murray.....	3953
Olson, Governor (California).....	3957, 3958
Papish, Martin.....	3937-3941
Poul, Franklin.....	3931-3933
Rahill, William Allen.....	3942-3968
Randall, Wesley.....	3930, 3931-3933 (testimony)
Saul, Walter Biddle.....	3920
Soler, Esther.....	3967, 3968
Staats, Frank.....	3953
Stensky, Bessie.....	3905-3907, 3914, 3938
Walsh, Sarah.....	3952

ORGANIZATIONS

Adelphia Hotel.....	3921, 3923, 3927, 3935, 3938, 3939
American Committee for Protection of Foreign Born.....	3959, 3960
American Federation of Labor.....	3919, 3920, 3961
American Federation of Teachers.....	3919
American Peace Crusade.....	3932, 3933
American Peace Mobilization.....	3960

	Page
American People's Meeting.....	3960, 3961
American Student Union.....	3924
American Youth for Democracy.....	3938, 3965
Benjamin Franklin High School, Philadelphia.....	3918, 3919
C. O. Nichol School, Philadelphia.....	3902
Central High School, Philadelphia.....	3929, 3930
Chicago Peace Congress.....	3932
Citizens Committee to Defend the Schools, Philadelphia.....	3923
Civil Rights Congress, Philadelphia chapter.....	3928
Comly School, Philadelphia.....	3905
Communist Party.....	3902-3904,
3907-3909, 3913-3916, 3924, 3926, 3927, 3930-3932, 3935, 3936,	
3939-3941, 3945-3947, 3950, 3951, 3954, 3955, 3958, 3965, 3966,	
3967.	
Communist Party of Eastern Pennsylvania.....	3940
Communist Political Association.....	3914
Conference on Constitutional Liberties in America.....	3955
Congress of Industrial Organizations.....	3919, 3920
Congress of Industrial Organizations Union, local 556.....	3919
Flynn Club of the Communist Party.....	3932
Government Printing Office, Washington, D. C.....	3938
Gratz High School, Philadelphia.....	3912
Hoffman School, Philadelphia.....	3902
Jackson, Justice.....	3934
Kearney School, Philadelphia.....	3931
Labor Youth League.....	3932
League of Nations.....	3942, 3951, 3962
Murray Defense Committee.....	3952, 3955
National Council of American-Soviet Friendship.....	3962
National Federation for Constitutional Liberties.....	3956, 3957
National Youth Administration.....	3917, 3918
Olney High School, Philadelphia.....	3912, 3929
Park Training School, Philadelphia.....	3937
Peace and Brotherhood Festival.....	3933
Pechan.....	3908, 3916
Pennsbury Schools, Bucks County, Pa.....	3937
Pennsylvania Association for Retarded Children.....	3938
Pennsylvania Federation of Teachers.....	3961
Pennsylvania State University.....	3931
Philadelphia Board of Education.....	3908, 3911, 3912, 3930
Philadelphia Board of Public Education.....	3920
Philadelphia College of Pharmacy and Science.....	3931
Philadelphia Conference on Anti-Alien Legislation.....	3952
Philadelphia Council of American-Soviet Friendship.....	3961-3963
Philadelphia Council of Arts, Sciences, and Professions.....	3907, 3914
Philadelphia Navy Yard.....	3925, 3938
Philadelphia Normal School.....	3905, 3907
Philadelphia School Board.....	3907, 3915
Philadelphia School of Social Science and Art.....	3963, 3964
Philadelphia Youth Congress.....	3925
Quartermaster Department of the Army.....	3926
Registration of Aliens.....	3960
Rush School, Philadelphia.....	3931
South Philadelphia High School.....	3912
South Philadelphia School for Boys.....	3929
Southwark School, Philadelphia.....	3902
Stokley School, Philadelphia.....	3902
Sulzberger Junior High School, Philadelphia.....	3929
Teachers State College, Pennsylvania.....	3902
Teachers Union.....	3948-3952, 3954
Teachers Union of Philadelphia.....	3919-3921, 3924, 3931, 3932
Temple University.....	3917, 3918, 3931, 3937
Thomas Junior High School.....	3931
Tilden Junior High School, Philadelphia.....	3929
United States Supreme Court.....	3910, 3915
United Nations.....	3947, 3952

	Page
University of Pennsylvania.....	3911, 3931, 3934, 3942
University of Pennsylvania Graduate School.....	3929
University of Richmond.....	3942
University of Virginia.....	3942
Vare Junior High School, Philadelphia.....	3911
Veterans Commission of the Communist Party.....	3928
West Park sections of the Communist Party.....	3932
West Philadelphia Club of section 8 of the Communist Party.....	3930
West Philadelphia High School.....	3942
Works Progress Administration.....	3918
Wynnefield Club of District 3 of the Communist Party of Philadelphia...	3935
Young Communist League of Pennsylvania.....	3924, 3925

PUBLICATIONS

Daily Worker.....	3957, 3958
Philadelphia Bulletin.....	3920, 3923, 3924
Philadelphia Evening Bulletin.....	3935









INVESTIGATION OF COMMUNIST ACTIVITIES IN THE
PHILADELPHIA AREA—Part 4

*U. S. Congress. House. Committee on
Un-American Activities.*

HEARING

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES

HOUSE OF REPRESENTATIVES

EIGHTY-THIRD CONGRESS

SECOND SESSION

FEBRUARY 17, 1954

Printed for the use of the Committee on Un-American Activities

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CONTENTS

February 17, 1954, testimony of—	Page
Leanora C. Jacobs.....	3973
Bessie Stensky.....	3976
Bernard August.....	3987
Goldie E. Watson.....	3991
Mary Foley Grossman.....	3994
Wilbert Rudolph McCabe.....	3998
Sarah T. Crome.....	4001
Celestine Fulchon.....	4005
Adeline L. Mahaney.....	4006
Index.....	4011



PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 83D CONGRESS

House Resolution 5, January 3, 1953

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

* * * * *

(q) Committee on Un-American Activities, to consist of nine members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American Activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time, investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE PHILADELPHIA AREA—PART 4

WEDNESDAY, FEBRUARY 17, 1954

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE ON
UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to adjournment, at 10:20 a. m., in the caucus room, 362 Old House Office Building, Hon. Gordon H. Scherer presiding.

Committee members present: Representatives Gordon H. Scherer, and Francis E. Walter.

Staff members present: Robert L. Kunzig, counsel; and George C. Williams and George E. Cooper, investigators; and Juliette P. Joray, acting clerk.

Mr. SCHERER. The subcommittee will be in session.

Would the witness rise and be sworn?

You do solemnly swear that the testimony you are about to give at this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. JACOBS. I do.

Mr. SCHERER. Be seated.

Mr. Kunzig, you may proceed.

TESTIMONY OF LEANORA C. JACOBS, ACCOMPANIED BY HER COUNSEL, A. HARRY LEVITAN

Mr. KUNZIG. Would you state your full name, please?

Mrs. JACOBS. Leanora Jacobs.

Mr. KUNZIG. That is L-e-o-n-o-r-a?

Mrs. JACOBS. L-e-a-n-o-r-a.

Mr. KUNZIG. Is it Mrs. Jacobs?

Mrs. JACOBS. Yes.

Mr. KUNZIG. Would counsel please state his name and office address for the record?

Mr. LEVITAN. A. Harry Levitan, 1412 Fox Building, Philadelphia 3.

Mr. KUNZIG. Mrs. Jacobs, would you kindly give us your present address?

Mrs. JACOBS. 1919 Spruce Street, Philadelphia.

Mr. KUNZIG. Now, would you give the committee a résumé of your educational background, starting with high school?

Mrs. JACOBS. Yes. I am a graduate of the West Philadelphia High School, and I went to the University of Pennsylvania on a scholarship

and majored in Spanish and minored in French. I took a master's at Columbia University in English.

Mr. KUNZIG. When did you graduate from the University of Pennsylvania?

Mrs. JACOBS. 1929.

Mr. KUNZIG. What sort of a scholarship did you have there?

Mrs. JACOBS. Board of education scholarship.

Mr. KUNZIG. A Philadelphia Board of Education scholarship?

Mrs. JACOBS. Yes.

Mr. KUNZIG. Now, would you give the committee a résumé of your employment background?

Mrs. JACOBS. Yes. I began to teach in junior high school; I taught there for one term.

Mr. KUNZIG. And what junior high school was that?

Mrs. JACOBS. Gillespie. I received an appointment to South Philadelphia Girls High School in Philadelphia, and I have been teaching there ever since.

Mr. KUNZIG. South Philadelphia High School for Girls?

Mrs. JACOBS. Yes.

Mr. KUNZIG. And you are there at the present time?

Mrs. JACOBS. Yes.

Mr. KUNZIG. What subjects do you teach?

Mrs. JACOBS. I teach Spanish and French.

Mr. KUNZIG. Mrs. Jacobs, this committee is in possession of testimony that you have been a member of the city committee of the Communist Party representing branch 8-A of section 8 of the Communist Party of Eastern Pennsylvania and Delaware, and I would now like to ask you the question, and I do ask: Have you ever been a member of the Communist Party?

(At this point Mrs. Jacobs conferred with Mr. Levitan.)

Mrs. JACOBS. I invoke the privilege of the fifth amendment.

Mr. KUNZIG. You refuse to answer on the grounds it might incriminate you under the fifth amendment?

Mrs. JACOBS. Yes.

Mr. WALTER. What States was that, what territory?

Mr. KUNZIG. A member of the city committee of the Communist Party representing branch 8-A, section 8, of the Communist Party of Eastern Pennsylvania and Delaware.

Mr. WALTER. Well, isn't this the witness that you hoped would disclose the connection between this operation in the eastern United States and the main organization in New York?

Mr. KUNZIG. That is correct, sir, but apparently we are not going to get the information.

Mr. WALTER. Then ask her the questions along that line.

Mr. KUNZIG. Will you tell the committee what connection there was between the Communist Party of the city committee in Philadelphia and the national organization of the party?

(At this point Mrs. Jacobs conferred with Mr. Levitan.)

Mrs. JACOBS. Same reason; same answer.

Mr. KUNZIG. We have sworn testimony that later, in the end of the forties, you were a member of the in-town group of section 8, transferred to the in-town group of section 8 of the Communist Party. Is that correct?

(At this point Mrs. Jacobs conferred with Mr. Levitan.)

Mrs. JACOBS. I am not a member of the Communist Party.

Mr. KUNZIG. You are not a member of the Communist Party?

Mrs. JACOBS. No.

(At this point Mrs. Jacobs conferred with Mr. Levitan.)

Mr. KUNZIG. Will you answer the previous question?

Mrs. JACOBS. As to the previous question?

Mr. KUNZIG. Yes. You answered by saying—would you please read back the question.

(The reporter read the question as follows:)

We have sworn testimony that later, in the end of the forties, you were a member of the in-town group of section 8, transferred to the in-town group of section 8 of the Communist Party. Is that correct?

Mrs. JACOBS. Same reason; same answer.

Mr. KUNZIG. You refuse to answer for the same reason?

Now, you said you are not a member of the Communist Party. Did you take the teachers' loyalty oath in Philadelphia?

Mrs. JACOBS. Yes.

Mr. KUNZIG. You did. When did you take that?

(At this point Mrs. Jacobs conferred with Mr. Levitan.)

Mrs. JACOBS. It was April or March of 1952.

Mr. KUNZIG. All right. Were you a member of the Communist Party the day you took that oath?

(At this point Mrs. Jacobs conferred with Mr. Levitan.)

Mrs. JACOBS. No.

Mr. KUNZIG. Were you a member of the Communist Party the day before you took that oath?

(At this point Mrs. Jacobs conferred with Mr. Levitan.)

Mrs. JACOBS. Same answer; same reason.

Mr. KUNZIG. You refuse to answer as to the day before.

Did you resign from the Communist Party in order that you might take the oath without fear of arrest?

(At this point Mrs. Jacobs conferred with Mr. Levitan.)

Mrs. JACOBS. Same reason; same answer.

Mr. KUNZIG. We have sworn testimony, Mrs. Jacobs, that in 1944 you had membership card 78325. Did you have that card number in the Communist Party?

(At this point Mrs. Jacobs conferred with Mr. Levitan.)

Mrs. JACOBS. Same reason; same answer.

Mr. KUNZIG. And in 1945, we have sworn testimony that you had Communist Party card No. 87614. Did you have that number?

Mrs. JACOBS. Same reason; same answer.

Mr. SCHERER. Were you teaching in the Philadelphia schools at the time Mr. Kunzig is inquiring about?

(At this point Mrs. Jacobs conferred with Mr. Levitan.)

Mr. KUNZIG. That would be 1944, 1945.

Mrs. JACOBS. Oh, yes.

Mr. SCHERER. How long did you say you had been teaching in the schools, Mrs. Jacobs?

Mrs. JACOBS. Since 1930.

Mr. KUNZIG. No further questions, Mr. Chairman.

Mr. SCHERER. Mr. Walter?

Mr. WALTER. No questions.

Mr. SCHERER. The witness is excused.

Mr. KUNZIG. Bernard August.¹ Goldie Watson.¹ Bessie Stensky.

Mr. SCHERER. Will the witness rise and be sworn.

You do solemnly testify that the testimony you are about to give at this hearing shall be the truth, the whole truth and nothing but the truth, so help you God?

Mrs. STENSKY. I do.

Mr. SCHERER. Be seated.

Mr. Kunzig, proceed.

TESTIMONY OF BESSIE STENSKY, ACCOMPANIED BY HER COUNSEL, A. HARRY LEVITAN

Mr. KUNZIG. Would you please state your name for the record?

Mrs. STENSKY. Bessie Stensky.

Mr. KUNZIG. Is that Miss or Mrs. Stensky?

Mrs. STENSKY. Mrs.

Mr. KUNZIG. Is that S-t-e-n-s-k-y?

Mrs. STENSKY. Yes.

Mr. KUNZIG. And would counsel please state his name and address for the record once again?

Mr. LEVITAN. A. Harry Levitan, 1412 Fox Building, Philadelphia 3.

Mr. KUNZIG. Mrs. Stensky, would you kindly give us your present address?

Mrs. STENSKY. 2009 East Rittenhouse Street, Philadelphia.

Mr. KUNZIG. Would you give the committee a brief résumé of your educational background, starting with high school?

Mrs. STENSKY. Well, I went to South Philadelphia High School for Girls; graduated from the Philadelphia Normal School in 1932; from Temple University in 1939.

I took some graduate courses in social work at the University of Southern California, and some additional courses at Temple.

Mr. KUNZIG. And what is your employment background, Mrs. Stensky?

Mr. LEVITAN. Excuse me. Could we ask that the pictures be taken either before or after the hearing? We have no objection to pictures—

Mrs. STENSKY. Will you take it?

Mr. LEVITAN. Could we ask that the pictures be taken before we begin or after we complete? We have no objection to pictures, of course, but they are very disconcerting during the proceeding.

Mr. SCHERER. All right. You may proceed.

Mrs. STENSKY. I gather you are chiefly concerned with work in teaching. I have done no teaching in the Philadelphia public schools since 1940.

Mr. KUNZIG. Would you give us your employment background?

I believe you were first a social investigator with the WPA, is that correct?

Mrs. STENSKY. Well, not first. That was in 1940. I had done some substituting in the public schools before that.

Mr. KUNZIG. In Philadelphia?

Mrs. STENSKY. Yes.

¹At this point, the time was earlier than the hour specified in the subpoenas of these two witnesses, and they had not yet arrived in the hearing room. They were heard later in the day's proceedings.

Mr. KUNZIG. What schools were they?

Mrs. STENSKY. Well, throughout, in part of the city. I don't remember which particular district it was, but in South Philadelphia.

Mr. KUNZIG. In South Philadelphia?

Mrs. STENSKY. Yes.

Mr. KUNZIG. What subject did you teach?

Mrs. STENSKY. The elementary grades, wherever I was needed.

Mr. KUNZIG. As a substitute?

Mrs. STENSKY. Yes. Now, through that period——

Shall I go through this?

Mr. KUNZIG. Yes, please.

Mrs. STENSKY. Through that period from the time I graduated, we will say, from about 1933 to about 1938 or 1939, I worked on a number of education projects, chiefly adult education, teaching handicapped children in their homes, preschool education, and so on, child psychology.

Now, in 1940 I went into the social work field. From, I would say, by and large, from 1940 until 1953 I was in social work and didn't return to teaching until September 1953.

Mr. KUNZIG. Did you work for the Department of Public Assistance in Pennsylvania?

Mrs. STENSKY. Yes.

Mr. KUNZIG. When was that, and in what capacity?

Mrs. STENSKY. From 1940 to 1945, as a social worker.

Mr. KUNZIG. A visitor?

Mrs. STENSKY. Yes.

Mr. KUNZIG. I see. Now, did you ever live at 1536 South Sixth Street?

Mrs. STENSKY. Yes.

Mr. KUNZIG. The committee has testimony that in 1941 you were one of the educational directors of the Communist Party of Philadelphia. Is that correct?

(At this point Mrs. Stensky conferred with Mr. Levitan.)

Mrs. STENSKY. I refuse to answer that question on the ground of the fifth amendment.

I wonder whether it would help for me to make a basic statement that I think would set the basis for the remainder of the interview, and might save some time?

Mr. SCHERER. No; if you have a written statement we would be glad to receive the statement.

Mrs. STENSKY. I mean it is simply a statement of the philosophy I will be following throughout this discussion, and I think it would save a lot of repetition if I were allowed to state it.

Mr. SCHERER. No. If you would answer the questions we would be glad to let you make any statement you desire, Witness, but you haven't answered the questions that have been asked.

Mrs. STENSKY. Yes.

Mr. SCHERER. I say, you haven't answered the questions that have been asked.

Mrs. STENSKY. I have answered it.

Mr. SCHERER. No; you refused to answer on the ground of the fifth amendment. Now, you haven't answered the questions.

Now, the Chair will not permit you to read a statement, a voluntary statement, in view of your refusal to answer the questions.

Mrs. STENSKY. Well, the statement is in the nature of a reply.

Mr. SCHERER. I understand the nature of your statement.

Mr. KUNZIG. Where do you presently teach?

Mrs. STENSKY. I teach mentally retarded children for the Philadelphia Association for Retarded Children.

Mr. KUNZIG. Now, is that at the same school from which we had a witness yesterday?

(At this point Mrs. Stensky conferred with Mr. Levitan.)

Mr. WALTER. What was the name, Mr. Kunzig?

Mrs. STENSKY. I fail to see what connection that would have with me.

Mr. KUNZIG. What is the name of the principal of the school?

(At this point Mrs. Stensky conferred with Mr. Levitan.)

Mrs. STENSKY. Harry Dubin.

Mr. KUNZIG. And he was a witness here yesterday.

Mrs. STENSKY. Was he?

Mr. KUNZIG. Yes. You are, then, at the same school and work under Mr. Dubin as one of the teachers; is that correct?

Mrs. STENSKY. Yes.

Mr. KUNZIG. Now, this is a private institution and does not come under the Philadelphia public-school system?

Mrs. STENSKY. That is correct.

Mr. KUNZIG. Have you ever been a member of the Communist Party, Mrs. Stensky?

Mrs. STENSKY. I feel that my associations, my ideas, and political beliefs are protected by the Constitution of the United States Government, my Government, and I am not required to reply to the questions about them.

I am refusing to answer that question and all other questions along the same line, not only because it violates my right of freedom of thought and association guaranteed under the first amendment, but also, maybe even more, because I feel I owe it to other Americans to protect the Constitution itself from attacks against it.

Mr. KUNZIG. You refuse to answer on the grounds of the fifth amendment, do you?

Mrs. STENSKY. I haven't finished my statement. Wait a minute.

Also, I decline to answer under the fifth amendment on the ground it may possibly tend to incriminate me.

Mr. WALTER. In what criminal matter do you feel that you might become involved if you would answer the questions?

(At this point Mrs. Stensky conferred with Mr. Levitan.)

Mrs. STENSKY. I must respectfully decline to answer that question on the grounds of the fifth amendment.

Mr. WALTER. In other words, as I understand it, you refuse to answer the question because you feel if you do answer the question your answer might tend to incriminate you; is that correct?

(At this point Mrs. Stensky conferred with Mr. Levitan.)

Mrs. STENSKY. Same answer, for the same reason.

Mr. WALTER. Is my understanding correct?

Mrs. STENSKY. Same answer for the same reason.

Mr. WALTER. Do we know when she was employed at this school first?

Mr. KUNZIG. I will ask.

When were you first employed at this present school where you now work?

Mrs. STENSKY. As I said, September 1952—pardon me, 1953.

Mr. WALTER. Were you employed by Nathan Dubin? Did he give you your job?

Mrs. STENSKY. By whom?

Mr. WALTER. What was his name?

Mr. KUNZIG. Harry Nathan Dubin, principal.

Mrs. STENSKY. Yes.

Mr. WALTER. Did he give you your job because you were a Communist?

(At this point Mrs. Stensky conferred with Mr. Levitan.)

Mrs. STENSKY. Same answer for the same reason.

Mr. WALTER. You might be interested in knowing that yesterday Mr. Dubin also refused to answer the questions we are now asking for the same reasons that you are now refusing to answer.

Mr. KUNZIG. Did you attend a Communist Party meeting held at the Met, M-e-t, Broad and Poplar Streets, on February 26, 1946?

Mrs. STENSKY. Mr. Kunzig—

Mr. LEVITAN. Now please answer the question.

(At this point Mrs. Stensky conferred with Mr. Levitan.)

Mrs. STENSKY. I don't understand.

Mr. LEVITAN. You don't understand it?

(At this point Mrs. Stensky conferred with Mr. Levitan.)

Mrs. STENSKY. Same answer for the same reason.

Mr. KUNZIG. I have here a document marked "Stensky Exhibit No. 1—"

Mr. SCHERER. Now, Witness, this isn't funny, and I would appreciate it if you would quit laughing.

Mrs. STENSKY. I assure you, it isn't a bit funny to me.

Mr. SCHERER. Well, you have been laughing.

Mr. WALTER. It isn't funny to us, because we don't like this job, and it is just the opposite from being funny to see Americans, at least people who enjoy the birthright of American citizens, flaunting the Constitution in the faces of the duly elected representatives of the Government.

Mrs. STENSKY. I don't feel I am flaunting the Constitution. I feel I am protecting it.

Mr. WALTER. You feel it is funny—

Mrs. STENSKY. I haven't been laughing.

Mr. WALTER. This isn't any funnier than it was to the boys in Korea who died there, I can assure you of that.

Mr. KUNZIG. I have here a document marked "Stensky Exhibit No. 1" for identification, Mrs. Stensky—which, Mr. Chairman, is a picture taken at the Communist Party meeting at the Met, Broad and Poplar Streets, Philadelphia, on February 26, 1946.

Would you look at this and see if the person in the middle marked "1" isn't yourself?

(At this point Mrs. Stensky conferred with Mr. Levitan.)

Mrs. STENSKY. Same answer for the same reason.

Mr. KUNZIG. Mr. Chairman, may I pass this to you, and I ask that this be admitted into evidence as Stensky exhibit No. 1.

Mr. WALTER. How does the witness spell her name?

Mr. KUNZIG. S-t-e-n-s-k-y.

Mr. WALTER. You were born in the United States, I take it, Mrs. Stensky?

Mrs. STENSKY. Yes, I was; Philadelphia.

Mr. WALTER. Were either of your parents born in Russia?

Mrs. STENSKY. Both.

Mr. WALTER. Well, it is indeed significant that of the Philadelphia witnesses, so-called, every single one of them was either the son or the daughter of a mother or father born in Russia. I suppose that is a mere coincidence, but I think that is the fact—isn't it, Mr. Kunzig?

Mr. KUNZIG. All but one.

Mr. WALTER. All but one. Excuse me; I apologize. Thirty-nine out of forty.

Mr. SCHERER. The photograph will be received in evidence as requested by counsel.

(Photograph marked "Stensky Exhibit No. 1" for identification was received in evidence as Stensky exhibit No. 1.)²

Mr. KUNZIG. Now, I have another document marked "Stensky Exhibit No. 2" for identification, which is a photograph of a picket line, Mrs. Stensky, in front of the Federal Building at Ninth and Market, held in protest of the Federal indictment of 12 Communist leaders of the Communist Party, September 25, 1948.

I hand you this picture, Stensky exhibit No. 2 for identification, and ask you if you recognize yourself as one of those in that picket line.

Mrs. STENSKY. Same answer, for the same reason.

Mr. KUNZIG. I offer Stensky exhibit No. 2 into evidence, Mr. Chairman.

Let me pass you Stensky exhibit No. 1 again, Mrs. Stensky——

Mr. SCHERER. Just a second.

The second exhibit submitted by counsel will be admitted in evidence.

(Photograph marked "Stensky Exhibit No. 2" for identification was received in evidence as Stensky exhibit No. 2.)³

Mr. SCHERER. I think the record should show that the sign in the picture right above the present witness' head reads: "Prevent American fascism. Dismiss indictments against Communist leaders.

Mr. WALTER. When was that taken?

Mr. KUNZIG. September 25, 1948.

I hand you again Stensky exhibit No. 1, which was the photograph of the Communist Party meeting, a picture of the meeting at the Met, and ask you, since the faces are so clearly recognizable on this picture, whether you can identify any of the other members of that picture as members of the Communist Party?

Mrs. STENSKY. I will give you the same answer for the same reasons.

Mr. KUNZIG. On March 13, 1948, Mrs. Stensky, you were observed participating in the picketing of the United States Immigration and Naturalization Service at 15th and Chestnut Streets in Philadelphia, which was a demonstration sponsored by the Civil Rights Congress, protesting the deportation proceedings against Claudia Jones, John

² Retained in the files of the committee.

³ Retained in the files of the committee.

Williamson, and other Communist labor leaders. Did you participate in this demonstration in picketing?

Mrs. STENSKY. I decline to answer for the same reason.

Mr. KUNZIG. On September 25, 1948, you were observed participating in the picketing of the Federal Building at Ninth and Market by a Civil Rights Congress group; this was the same as before, but you were there on September 25, and again on October 16. Did you participate in those two picketings?

Mrs. STENSKY. What year was that?

Mr. KUNZIG. 1948.

Mrs. STENSKY. I decline to answer for the same reason.

Mr. KUNZIG. On December 14, 1948, you were observed attending a Peace Rally at Town Hall, 150 North Broad Street, sponsored by the Philadelphia Council of American-Soviet Friendship, a cited organization. The meeting was attended by many known Communists, December 14, 1948. Did you attend this meeting?

Mrs. STENSKY. I decline to answer for the same reasons given.

Mr. KUNZIG. We have sworn testimony that in December of 1948 you were appointed as section organizer of the Germantown section, old section 10, district 3 of the Communist Party. Is that correct?

Mrs. STENSKY. I decline to answer, for the same reason.

Mr. KUNZIG. On January 18, 1949, you were observed in the company of Esther Soler, Minnie Jessie Schneiderman, Helen Gaylbud, Lucille Tommy Childs, and Ollie Holmes, boarding a train at 30th Street Station to participate in the Freedom Crusade sponsored by the Communist Party and the Civil Rights Congress to come down and make demands from the United States Congress. Did you participate in this crusade sponsored by the Communist Party?

Mrs. STENSKY. Same answer for the same reason.

Mr. KUNZIG. Of course, Mr. Chairman, for the record, the Civil Rights Congress is a cited front organization.

On January 30, 1953, you were observed attending a meeting of the Philadelphia Council of Arts, Sciences, and Professions, in the south gold room of the Broadwood Hotel in Philadelphia, in the company of Angelina Intille and Eleanor Fleet, both of whom testified here yesterday, or refused to testify. Did you attend this meeting sponsored by the Philadelphia Council of Arts, Sciences, and Professions, a cited group?

Mrs. STENSKY. Same answer for the same reasons.

Mr. KUNZIG. On June 10, 1953, the Philadelphia Committee To Secure Justice for the Rosenbergs held a meeting at the Paramount Mansion at the southeast corner of Broad Street and Gerard Avenue, and you were observed attending this meeting. Did you so attend?

Mrs. STENSKY. I will give you the same answer for the same reasons.

Mr. SCHERER. What was that committee?

Mr. KUNZIG. The Philadelphia Committee To Secure Justice for the Rosenbergs.

Mr. SCHERER. Has that committee been cited?

The Chair is going to direct you to answer that question, Witness.

Mr. LEVITAN. Will you repeat the question, please?

Mr. KUNZIG. Did you attend a meeting on June 10, 1953, of the Philadelphia Committee To Secure Justice in the Rosenberg case?

(At this point Mrs. Stensky conferred with Mr. Levitan.)

Mrs. STENSKY. I must respectfully decline to answer that for the same reason.

Mr. SCHERER. All right.

Mr. WALTER. Now, let's get the record straight. She said "I must."

You are not under any compulsion; you don't have to decline to answer. You can say "I decline to answer." You are not under any compulsion at all.

Mrs. STENSKY. I am sorry; I can't hear.

Mr. WALTER. I say, you are not under any compulsion. You said "I must decline to answer." You don't have to answer.

Mrs. STENSKY. Thank you.

Mr. WALTER. Well, do you—

Mrs. STENSKY. I decline to answer for the same reason.

Mr. KUNZIG. On June 14—

Mr. WALTER. Wait a minute, before you go on further.

I think we owe it to the witness to let her know that this is not a cited organization, and for that reason to answer the question would in nowise, even by the greatest stretch of imagination, incriminate you.

Mrs. STENSKY. I appreciate that, but I would still decline to answer.

Mr. KUNZIG. On June 14, 1953, at 10:20 a. m., a delegation of 120 persons of the Philadelphia Committee to Secure Justice in the Rosenberg Case boarded a special clemency train at the B. & O. Railroad station. The delegation was en route to Washington, D. C., to demonstrate in front of the White House on behalf of Ethel and Julius Rosenberg.

I have here a document marked "Stensky exhibit No. 3" for identification, which is a picture taken of the group boarding the special train. The person with "11" written around it, No. 11, is identified as Bessie Stensky.

I hand you Stensky exhibit No. 3 for identification and ask you if that is a picture of yourself.

(At this point Mrs. Stensky conferred with Mr. Levitan.)

Mrs. STENSKY. Same answer for the same reason.

Mr. SCHERER. Isn't it a fact that that delegation which came to Washington was organized by the Communist Party of Philadelphia?

Mrs. STENSKY. I decline to answer for the same reason.

Mr. WALTER. Well, you see, so many witnesses have, after they have left the committee room, and others, have charged us with motives that are not entirely pure in interrogating witnesses, so I think, in order to dispel any feeling that might exist with respect to you, you ought to know that we would like to know, and the reason why we are asking you these questions, who it was that directed certain people in Philadelphia to engage in this enterprise.

Now, we feel that you, as the leader of this Communist group, could inform this committee as to who it was you were taking your orders from.

Now, you can render a great service, you see, to our work if you would answer these questions.

Mrs. STENSKY. Mr. Walter, you are only assuming certain things.

Mr. WALTER. Well, assuming what?

Mrs. STENSKY. What you have just said is a pure assumption.

Mr. WALTER. No, it isn't assumption. I am thoroughly convinced you are a Communist, and I am thoroughly convinced you are very active in the organization of this group, and I didn't suck this out of my thumb—I know. I know what I am talking about.

Now, I appeal to you to assist our committee. I am not merely assuming that you are a Communist.

Were you a Communist at the time this march took place?

Mrs. STENSKY. I decline to answer that question for the reasons given.

Mr. WALTER. Well, now, you see that just adds to my feeling of being positive that you were a Communist.

All right, Mr. Scherer.

Mr. SCHERER. Isn't there some testimony, Mr. Kunzig—do we not have some identification of this witness as a member of the party?

Mr. KUNZIG. We have sworn testimony in executive session, Mr. Chairman, by former members of the Communist Party.

Mr. SCHERER. That the present witness was a member of the party?

Mr. KUNZIG. Yes, sir.

Mr. SCHERER. I thought so.

Well, it isn't an assumption, then, on your part.

Mr. WALTER. Oh, no.

Mr. KUNZIG. I offer in evidence Stensky Exhibit No. 3, Mr. Chairman.

Mr. SCHERER. It may be so received.

(Photograph entitled "Philadelphia Committee To Secure Justice in the Rosenberg Case," marked "Stensky Exhibit No. 3" for identification, was received in evidence as Stensky exhibit No. 3.)⁴

Mr. KUNZIG. Mrs. Stensky, we also have sworn testimony that as of June 1953 you were an organizer of the Logan-Olney section of the Communist Party of the Sixth Congressional District of eastern Pennsylvania. Were you an organizer of the Logan-Olney section?

Mrs. STENSKY. Same answer for the same reasons.

Mr. KUNZIG. We also have evidence that on the evening of May 27, 1953, Sherman Labovitz, L-a-b-o-v-i-t-z, a well-known Communist, and 1 of the 9 Communist leaders of eastern Pennsylvania and Delaware who have been arrested in violation of the Smith Act and are now awaiting trial, we have evidence that Sherman Labovitz and 2 unidentified women entered your home on Rittenhouse Street and left at approximately 10 p. m.; is that correct?

Mrs. STENSKY. I decline to answer, for the reasons given.

Mr. KUNZIG. Do you know Sherman Labovitz?

Mrs. STENSKY. I decline to answer for the reasons given.

Mr. KUNZIG. I have no further questions.

Mr. SCHERER. Mr. Walter?

Mr. WALTER. No.

Mr. SCHERER. During the time that you were employed by the city of Philadelphia in the Department of Public Assistance, were you a member of the party?

Mrs. STENSKY. I feel that my associations, my ideas, and political beliefs are protected by the Constitution of the United States Government, my Government, and I am not required to reply to questions about it.

⁴ Retained in the files of the committee.

Mr. SCHERER. Well, is that your answer to my question?

(At this point Mrs. Stensky conferred with Mr. Levitan.)

Mrs. STENSKY. The answer to the question is that I am refusing to answer on the grounds of the fifth amendment.

Mr. SCHERER. All right.

Now, when you made application for employment with the city of Philadelphia, in what form did you make that application?

Mrs. STENSKY. City of Philadelphia, at what time, when do you mean?

Mr. SCHERER. Were you employed by the city of Philadelphia or the State of Pennsylvania?

Mrs. STENSKY. The State of Pennsylvania, I suppose.

Mr. SCHERER. All right. How did you get that job?

Mrs. STENSKY. Do you mean the job I had from 1940 to 1945?

Mr. SCHERER. Yes, the time that you stated you were employed by the department of public assistance.

Mrs. STENSKY. Yes.

Mr. SCHERER. You stated that was between 1940 and 1945.

Mrs. STENSKY. I took a competitive examination.

Mr. SCHERER. Civil service examination?

Mrs. STENSKY. Yes.

Mr. SCHERER. Did you file an application in connection with the taking of that examination?

Mrs. STENSKY. I suppose I did.

Mr. SCHERER. Did you file an application of any kind subsequent to the taking of that examination?

Mrs. STENSKY. You mean for a job in Philadelphia? I am not clear about that. When?

Mr. SCHERER. Well, for this job with the department of public assistance.

Mrs. STENSKY. Oh, no.

Mr. SCHERER. How many applications do you recall that you filed in connection with obtaining positions with either the government of the State of Pennsylvania or the city government?

Mrs. STENSKY. So far as I know, the only application was the one you have referred to in 1940—

Mr. SCHERER. And did that application—

Mrs. STENSKY. Pardon me.

And, also, I applied for work with the Board of Education in the attendance department in 1952.

Mr. SCHERER. Now, on any of those applications that you made, were you asked the question whether or not you were a member of the Communist Party?

Mrs. STENSKY. For the Board of Education application, 1952, I was—not on the application, but there was a Pechan oath which was later signed.

Mr. SCHERER. How did you answer?

Mrs. STENSKY. That is a matter of record.

Mr. SCHERER. I understand it may be a matter of record. My question is, How did you answer?

(At this point Mrs. Stensky conferred with Mr. Levitan.)

Mr. LEVITAN. Will you excuse me one moment, sir.

Explain it to Mr. Scherer just that way, that you signed it.

Mrs. STENSKY. As I said, I signed the Pechan oath either in September or October of 1952. I signed it truthfully, I was not a member of the Communist Party.

Mr. SCHERER. You were not a member of the Communist Party——

Mrs. STENSKY. At that time; no.

Mr. SCHERER. (continuing). When you signed that?

Mrs. STENSKY. No.

Mr. SCHERER. Were you a member of the Communist Party the week before?

Mrs. STENSKY. I decline to answer any further questions——

Mr. LEVITAN. No—excuse me.

Just this question, give Mr. Scherer, the Chairman, the answer to this question, please.

(At this point Mrs. Stensky conferred with Mr. Levitan.)

Mrs. STENSKY. I am sorry.

Mr. SCHERER. The question is, Were you a member of the Communist Party a week before you signed this loyalty oath in 1952?

Mrs. STENSKY. I refuse to answer that question for the same reason.

Mr. SCHERER. Were you a member of the Communist Party a week after you signed the oath?

Mrs. STENSKY. I refuse to answer that question for the same reason.

Mr. SCHERER. Now, I asked you originally with reference to the application you made in 1940 for the job in the department of public works. Do you recall whether that application had a question on it asking whether or not you were a member of the Communist Party?

Mrs. STENSKY. I don't recall. I don't remember any such.

Mr. SCHERER. Do you recall whether or not the application had a question on it asking whether or not you were a member of any organization that advocated the overthrow of the Government of the United States?

Mrs. STENSKY. I don't recall any such. There may have been. It just didn't—I don't remember.

Mr. SCHERER. If there had been such a question, how would you have answered it?

Mrs. STENSKY. Same answer, for the same reason.

Mr. SCHERER. I have no further questions.

Mr. LEVITAN. Mr. Walter, I wonder if you would be willing to reconsider your statement about the immigrant parents of many of the people who have been before you? It seems to me to contain an unintentional reflection upon many decent people.

Mr. WALTER. That wasn't intended at all, I assure you. It just struck me when I learned her name as being very strange, and more than a mere coincidence that so many of the people from Philadelphia came from Russian families. I am not talking about immigrants as such. But I am just wondering whether or not there is brought to this country Old World ideologies that are kept alive, that is all.

No, I won't, of course, remove from the record anything I have said, because that is the way I feel. It is certainly not intended to be a reflection on any of the thousands nor millions of decent people who have become citizens of the United States through naturalization who appreciate what the institutions of freedom mean to them and who, because of old world experiences, get down on their knees and

thank God every day of the week that they are among the privileged permitted to be here.

Does that answer your question?

Mr. LEVITAN. That is all right.

Mr. KUNZIG. Mrs. Stensky—

We are not through.

Mr. LEVITAN. I thought you said "That is all." Forgive me.

Mr. KUNZIG. You made the statement that you took the loyalty oath, is that right?

Mrs. STENSKY. Yes.

Mr. KUNZIG. The Pechan oath. You also made a statement, when you were an organizer of the Communist Party in June 1953—you said you took the oath in 1952—when I asked you about 1953 you refused to answer on the grounds it might incriminate you.

Now, that loyalty oath has in it a provision that a person will not be a member of the Communist Party, and so forth. Have you joined the Communist Party after you took the oath?

Mrs. STENSKY. Same answer, for the same reason.

Mr. KUNZIG. You mean you took an oath that you wouldn't join any group of this nature, but now, when asked about it as to the time after you took the oath, you refuse to answer on the grounds that it might incriminate you?

(At this point Mrs. Stensky conferred with Mr. Levitan.)

Mrs. STENSKY. I decline to answer for the same reason.

Mr. KUNZIG. Now, in 1941 there was quite a clean-out of the department of public assistance in Pennsylvania; a group of people, a whole group, were dismissed for subversive activity in connection with Communist activity. Do you recall that?

(At this point Mrs. Stensky conferred with Mr. Levitan.)

Mrs. STENSKY. Yes.

Mr. KUNZIG. Yes, you do recall, was your answer?

Mrs. STENSKY. Yes.

Mr. KUNZIG. You worked for the department of public assistance at that time, did you not?

(At this point Mrs. Stensky conferred with Mr. Levitan.)

Mrs. STENSKY. Yes.

Mr. KUNZIG. You were not discharged, however, were you, in this group?

(At this point Mrs. Stensky conferred with Mr. Levitan.)

Mrs. STENSKY. No.

Mr. KUNZIG. Were you a member of the Communist Party at that time?

Mrs. STENSKY. I will give you the same answer for the same reason.

Mr. KUNZIG. You refuse to answer?

Mrs. STENSKY. Yes.

Mr. KUNZIG. Now, another person who will be a witness here today, Mrs. Sarah Crome, C-r-o-m-e, was one of those dismissed for subversive activity. Did you know Mrs. Crome?

(At this point Mrs. Stensky conferred with Mr. Levitan.)

Mr. LEVITAN. Excuse me. That was not meant with any disrespect. That was because of an exchange between us.

(At this point Mrs. Stensky conferred with Mr. Levitan.)

Mrs. STENSKY. I invoke the same privilege.

Mr. KUNZIG. No further questions, Mr. Chairman.

Mr. SCHERER. Mr. Walter?

Mr. WALTER. No questions.

Mr. SCHERER. The witness is excused.

We will have a 5-minute recess.

(Whereupon, at 11:05 a. m., the committee recessed, to reconvene at 11:10 a. m.)

(The committee reconvened at 11:15 a. m., and the proceedings were resumed as follows:)

Mr. SCHERER. Call your next witness.

Mr. KUNZIG. Bernard August.

Mr. SCHERER. Will the witness rise and be sworn.

You do solemnly swear that the testimony you are about to give at this hearing shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. AUGUST. I do.

TESTIMONY OF BERNARD AUGUST, ACCOMPANIED BY HIS COUNSEL, A. HARRY LEVITAN

Mr. KUNZIG. Will you state your full name, please?

Mr. AUGUST. Bernard August.

Mr. KUNZIG. Will counsel once again state his name for the record.

Mr. LEVITAN. A. Harry Levitan, 1412 Fox Building, Philadelphia 3.

Mr. KUNZIG. Mr. August, would you give us your full address, please.

Mr. AUGUST. Apartment 422, Mackley House, M and Crystal Streets, Philadelphia 24, Pa.

Mr. KUNZIG. How do you spell Mackley?

Mr. AUGUST. Mackley, M-a-c-k-l-e-y.

Mr. KUNZIG. What is your educational background?

Mr. AUGUST. I attended the public schools of the city of Philadelphia and got a bachelor's degree—

Mr. KUNZIG. What high school did you attend?

Mr. AUGUST. Frankford High School.

Mr. KUNZIG. What year did you graduate?

Mr. AUGUST. 1928. University of Pennsylvania, bachelor's degree in education, 1932; master of arts, 1933.

Mr. KUNZIG. What is your employment background, sir?

Mr. AUGUST. I was appointed to teach in the Philadelphia schools in 1934, at Gratz High School.

Mr. KUNZIG. What subject?

Mr. AUGUST. Mathematics. I taught there until 1942, at which time, due to a decrease in pupil enrollment, I was transferred to the Olney High School in Philadelphia, and I have been teaching there since.

Mr. KUNZIG. And you are presently employed at the Olney High School in Philadelphia?

Mr. AUGUST. That is right.

(At this point Mr. August conferred with Mr. Levitan.)

Mr. KUNZIG. Have you been suspended? We will put that on the record.

Mr. AUGUST. Yes, I have been suspended.

Mr. KUNZIG. When were you suspended?

Mr. AUGUST. November 20, 1953.

Mr. KUNZIG. By action of the school board?

Mr. AUGUST. That is right.

Mr. KUNZIG. For that reason?

Mr. AUGUST. The charge was refusal to answer questions of Dr. Hoyer.

Mr. KUNZIG. Dr. Hoyer is superintendent of schools?

Mr. AUGUST. That is right.

Mr. KUNZIG. Now, Mr. August, we have testimony that you were one of the leaders of a Communist group at this Carl Mackley apartments, and have been from virtually the time you moved there. Is that correct?

Mr. AUGUST. I respectfully decline to answer any question concerning membership in any organization which is deemed to be subversive today.

Mr. LEVITAN. Why?

Mr. AUGUST. I decline on the grounds that such questions infringe on the first amendment of the Constitution regarding the right of people to peaceably assemble and, further, on the grounds that such questioning may somehow involve me in criminal proceedings.

I have a right under the fifth amendment not to furnish information which might incriminate me, and while such a possibility, in my opinion, is very remote, nevertheless, I will not waive that right.

Mr. KUNZIG. Did you on July 25, 1942, attend a Communist Party meeting at the home of Paul Geisman, G-e-i-s-l-m-a-n, 6016 North 10th Street, Philadelphia, at which meeting the first formal announcement of the Tom Paine School was made?

Mr. AUGUST. I decline to answer for the same reason.

Mr. KUNZIG. The Tom Paine School is cited as an adjunct in Philadelphia, Pa., of the Communist Party by Attorney General Tom Clark.

In 1945, we have testimony that you were financial secretary of the Northeast Club of the Communist Party. Is that correct?

Mr. AUGUST. I decline to answer for the same reason.

Mr. KUNZIG. Have you ever been a member of the Communist Party?

Mr. AUGUST. At the present time I am not a member of the Communist Party.

Mr. KUNZIG. The question was, very clearly, have you ever been a member of the Communist Party?

Would you please answer that question?

Mr. AUGUST. I have already declined an answer to that question.

Mr. LEVITAN. Answer the question, please.

Mr. KUNZIG. Have you ever been a member of the Communist Party?

Mr. AUGUST. I decline to answer such questions on the grounds that I gave.

Mr. KUNZIG. Now, you said that you are not now a member of the Communist Party; is that correct?

Mr. AUGUST. That is right.

Mr. KUNZIG. Did you take the Philadelphia, Pa., loyalty oath?

Mr. AUGUST. I did.

Mr. KUNZIG. That was, roughly, in the spring of 1952?

Mr. AUGUST. 1952.

Mr. KUNZIG. Were you a member of the Communist Party when you took that oath?

Mr. AUGUST. I was not.

Mr. KUNZIG. Have you been a member of the Communist Party at any time since you took that oath?

Mr. AUGUST. No.

Mr. KUNZIG. Have you attended any Communist Party meetings since you took that oath?

Mr. AUGUST. No.

Mr. KUNZIG. Were you a member of the Communist Party the day before you took that oath?

Mr. AUGUST. Any questions—

(At this point Mr. August conferred with Mr. Levitan.)

Mr. AUGUST. I decline to answer for the same reasons.

Mr. KUNZIG. So that you were not a member of the party on the day you took the oath, but you decline to answer on the grounds that it might incriminate you as to the day before you took the oath, is that correct?

Mr. AUGUST. Yes.

Mr. KUNZIG. Did you resign from the Communist Party in order to be able to take the oath without fear of prosecution?

Mr. AUGUST. I decline to answer that question on the same grounds.

Mr. KUNZIG. We have sworn testimony that in 1945, to go back a few years, you held Communist Party membership book No. 84483. Did you have that membership book number?

Mr. AUGUST. I decline to answer for the same reasons.

Mr. KUNZIG. Now, the Communist Party uses a key number system and has frequently used this key number system instead of names with regard to people paying dues. It was used particularly with the professional section of the party in order to further conceal identities of members of this professional section.

In 1946, we have sworn testimony that you were a member of the North Philadelphia branch of the Communist Party, section 2, and that key No. 125 was listed in back of your name.

Were you a member of the North Philadelphia branch of the Communist Party at that time?

Mr. AUGUST. I decline to answer for the same reasons.

Mr. KUNZIG. Did you have key No. 125?

Mr. AUGUST. Same answer, same reasons.

Mr. KUNZIG. Now, there is also testimony that you were an alternate delegate to the Saturday session in 1946 of the Communist Party at a convention held in Philadelphia June 20 to 23. Did you attend that convention?

Mr. AUGUST. I decline to answer.

Mr. KUNZIG. Were you an alternate delegate?

Mr. AUGUST. I decline to answer; same reasons.

Mr. WALTER. What was that date?

Mr. KUNZIG. June 20 to 23, 1946.

What union do you belong to, if any?

Mr. AUGUST. I belong to the Teachers Union of Philadelphia.

Mr. KUNZIG. Is that the union that Jennings is the president of, the man who took the fifth amendment here yesterday?

(At this point Mr. August conferred with Mr. Levitan.)

Mr. AUGUST. I have the right under the fifth amendment not to furnish information which might incriminate me, and while such a possibility, in my opinion, is very remote, nevertheless, I will not waive that right. I decline to answer.

Mr. KUNZIG. You refuse to answer?

Mr. AUGUST. Yes.

Mr. KUNZIG. When did you join the union?

Mr. AUGUST. I am not quite sure of the year, but I would say about 1937, 1938.

Mr. KUNZIG. 1937, 1938.

Mr. SCHERER. Pardon me just a moment.

Has your membership been continuous since that date?

Mr. AUGUST. Yes.

Mr. SCHERER. Now isn't it a fact that that is the same union that was expelled by the A. F. of L. and later by the CIO for being Communist dominated?

Mr. AUGUST. I believe that is a matter of record.

Mr. KUNZIG. Well, the president of the union said so here yesterday under oath.

Now, were you a member when it was thrown out of the A. F. of L. for Communist activity?

Mr. AUGUST. I was a member at that time.

Mr. KUNZIG. Did you remain a member after that happened?

Mr. AUGUST. I remained a member.

Mr. KUNZIG. Then it became a CIO union and was thrown out of the CIO for Communist domination. Were you a member at the time it was a member of the CIO?

Mr. AUGUST. My membership was continuous.

Mr. KUNZIG. And you remained a member after that?

Mr. AUGUST. I remained a member after that.

Mr. KUNZIG. And these facts were known to you; it is not a surprise?

Mr. AUGUST. The facts were known.

Mr. KUNZIG. As a matter of fact, you were financial secretary at one time of this union, is that right?

Mr. AUGUST. Yes.

Mr. KUNZIG. Were you also treasurer or was that the same position?

Mr. AUGUST. Same office.

Mr. KUNZIG. Same office.

No further questions, Mr. Chairman.

Mr. SCHERER. Do you have any questions, Mr. Walter?

Mr. WALTER. No, I have no questions.

Mr. SCHERER. I have no questions.

The witness is excused.

Mr. KUNZIG. Goldie Watson.

Mr. SCHERER. Will the witness raise her right hand.

You do solemnly swear the testimony you are about to give at this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. WATSON. I solemnly swear.

Mr. SCHERER. Be seated.

(At this point Representative Francis E. Walter left the hearing room.)

TESTIMONY OF GOLDIE E. WATSON, ACCOMPANIED BY HER COUNSEL, PHILIP DORFMAN

Mr. KUNZIG. Would you state your name, please?

Mrs. WATSON. Mrs. Goldie E. Watson.

Mr. SCHERER. Pardon me, Mr. Kunzig. Will you let the press take their pictures first.

All right, Mr. Kunzig.

Mrs. WATSON. Mrs. Goldie E. Watson.

Mr. KUNZIG. Mrs. Watson, I see you are accompanied by counsel.

Would counsel please state his name and office address for the record?

Mr. DORFMAN. Philip Dorfman, D-o-r-f-m-a-n, 820 Lewis Tower Building, Philadelphia.

Mr. KUNZIG. Thank you, Mr. Dorfman.

Mr. DORFMAN. All right, Mr. Kunzig.

Mr. KUNZIG. Would you give us your address, please?

Mrs. WATSON. 2335 North College Avenue, Philadelphia.

Mr. KUNZIG. Will you give us a brief résumé of your schooling, your education?

Mrs. WATSON. I finished the William Penn High School in Philadelphia in 1927. I completed my normal school education at the Philadelphia Normal School in 1929.

I have since carried on my college activity at the University of Pennsylvania. I suppose I would be listed as a low senior at this time.

Mr. KUNZIG. And your employment record, Mrs. Watson?

Mrs. WATSON. I was a substitute teacher in Philadelphia from September 1929 to January 1931.

I was appointed as an elementary teacher in the Martha Washington Public School, February 1, 1931. I have been there ever since, 23 years.

Mr. KUNZIG. Now, Mrs. Watson, I believe it is known to you that Mrs. Dorothy Funn, I believe at one time a friend of yours and a member of your race, testified publicly before this committee in Philadelphia just a few months ago to the effect that she had known you as a member of the Communist Party, so I ask: Have you ever been a member of the Communist Party?

Mrs. WATSON. Mr. Kunzig, I ask your first questions to be completely identified before this committee. I will not answer any other question I am asked about membership in organizations, associations, societies, people I have met with, or anything else.

Mr. SCHERER. Just a minute. If you are not going to answer the questions, your counsel will instruct you how to take advantage of the fifth amendment.

Mr. DORFMAN. Mr. Scherer, I think you are presuming that this witness intends to invoke the fifth amendment, and I am going to suggest the witness answer the questions individually as she is asked.

Mr. SCHERER. That is what I want her to do, answer them individually.

Mr. KUNZIG. You have been asked whether you have ever been a member of the Communist Party. Would you please answer that question?

Mrs. WATSON. I said that I would not answer the question, and that it is a violation of my constitutional rights for you to bring me here and attempt to compel me to answer questions about my associations, memberships, conferences, or speeches.

Mr. KUNZIG. Is that the end of your answer?

Mr. SCHERER. That is enough, now.

(At this point Mrs. Watson conferred with Mr. Dorfman.)

Mrs. WATSON. Yes, it is the end of my answer.

Mr. SCHERER. In view of your answer, witness, I am going to direct you to answer the question Mr. Kunzig asked you.

Mr. KUNZIG. Which is: Have you ever been a member of the Communist Party?

Mrs. WATSON. I refuse to answer on the basis of my first statement.

Mr. KUNZIG. Did you ever attend a Communist school or a school for instruction of Communist teachers in New York State?

Mrs. WATSON. Mr. Kunzig, I have intimated that I am not going to answer your questions—

(At this point Mrs. Watson conferred with Mr. Dorfman.)

Mr. SCHERER. Just answer the question, Miss.

Mrs. WATSON. I will not answer.

Mr. SCHERER. All right.

Ask her another question.

I am going to direct you to answer the question, but—

(At this point Mrs. Watson conferred with Mr. Dorfman.)

Mrs. WATSON. I refuse to answer.

Mr. SCHERER. All right.

Mr. KUNZIG. Did you ever attend any Communist—

(At this point Mrs. Watson conferred with Mr. Dorfman.)

Mrs. WATSON. Excuse me.

Mr. KUNZIG. Go right ahead.

(At this point Mrs. Watson conferred with Mr. Dorfman.)

Mr. KUNZIG. Are you ready?

Mr. DORFMAN. Yes.

Mr. KUNZIG. Have you ever attended any Communist instruction school at any place?

Mrs. WATSON. Mr. Kunzig, I refuse to answer, specifically on the basis of my rights as guaranteed by the first amendment to the Constitution.

Mr. SCHERER. I will direct you to answer the question.

Mrs. WATSON. I refuse to answer, on the basis of the first amendment.

Mr. SCHERER. All right.

Mr. KUNZIG. Let the record show that in voice and tone the witness has emphasized the use of the words "first amendment."

Mr. DORFMAN. Mr. Kunzig, let the record show that regardless of voice—

Mr. KUNZIG. That is—

Mr. DORFMAN. Pardon.

Mrs. WATSON. Thank you, Mr. Kunzig. I do mean to emphasize the first.

Mr. KUNZIG. I want the record to be perfectly clear on that point.

(At this point Mrs. Watson conferred with Mr. Dorfman.)

Mr. KUNZIG. Now, Mrs. Watson, were you active in work with the National Negro Congress, a Communist-cited organization, Communist-front organization?

Mrs. WATSON. Mr. Kunzig, I refuse to answer on the basis of the first amendment exclusively.

Mr. SCHERER. I will direct the witness to answer the question.

(At this point Representative Francis E. Walter returned to the hearing room.)

Mrs. WATSON. I will refuse to answer on the basis of the first amendment.

Mr. SCHERER. All right.

Mr. KUNZIG. Mr. Chairman, it is obvious this witness is not going to cooperate. I have no further questions to ask at this time.

Mr. SCHERER. Of course, I think it is fair to tell the witness—evidently, she already has been told by her counsel—that the manner in which you answered the questions this morning clearly indicates that you are in contempt of the Congress.

Mrs. WATSON. Why do you say that?

Mr. SCHERER. I think you understand. I think your attorney can explain.

Mrs. WATSON. Well, shall I let him explain to me now?

Mr. SCHERER. Yes.

(At this point Mrs. Watson conferred with Mr. Dorfman.)

Mr. SCHERER. Do you have any further questions?

Mr. DORFMAN. Well, she has to answer Mr. Scherer's direction, or the last question, I believe.

Mrs. WATSON. I have been advised by my counsel of the risks and the dangers that I run by taking this position. I still take the risks and the dangers because this position is very sacred to me.

Mr. SCHERER. All right.

Mrs. WATSON. A violation of my rights are sacred. I hold them as sacred as anything else, and I would not permit this committee to compel me to violate them.

Mr. SCHERER. Let me ask you a question.

Did you take the loyalty oath?

Mrs. WATSON. I will not answer that question.

Mr. SCHERER. Well, I direct you to answer—

Mrs. WATSON. It seems to me taking the loyalty oath is a matter between—

Mr. SCHERER. Just a minute, now. You have made your speech.

Mrs. WATSON. I haven't made a speech, sir.

Mr. SCHERER. I direct you to answer that question.

(At this point Mrs. Watson conferred with Mr. Dorfman.)

Mrs. WATSON. It is a matter of public record that I took the loyalty oath.

Mr. SCHERER. All right. Now, at the time you took the loyalty oath were you a member of the Communist Party?

Mrs. WATSON. I refuse to answer the question on the basis of the first amendment.

Mr. SCHERER. I direct you to answer the question.

Mrs. WATSON. I refuse to answer.

Mr. SCHERER. Mr. Walter, do you have any questions.

Mr. WALTER. No questions.

Mr. SCHERER. The witness is excused.

Mr. KUNZIG. Mary Foley Grossman.

Mr. SCHERER. Do you solemnly swear that the testimony you are about to give at this hearing shall be the truth, the whole truth and nothing but the truth, so help you God?

Mrs. GROSSMAN. I do.

**TESTIMONY OF MARY FOLEY GROSSMAN, ACCOMPANIED BY
HER COUNSEL, A. HARRY LEVITAN**

Mrs. GROSSMAN. May I know your name?

Mr. SCHERER. My name is Scherer.

This is Mr. Walter.

Mrs. GROSSMAN. I know Mr. Walter.

Mr. KUNZIG. Your full name, please, Mrs. Grossman?

Mrs. GROSSMAN. My name is Mary Foley Grossman.

Mr. LEVITAN. And my name is A. Harry Levitan, 1412 Fox Building, Philadelphia 3.

Mr. KUNZIG. What is your present address?

Mrs. GROSSMAN. 2302 Delancey Street, Philadelphia.

Mr. KUNZIG. Now, a résumé, if we may, of your educational background, Mrs. Grossman?

Mrs. GROSSMAN. I should like to say first that I was born in Philadelphia; my parents were born in Philadelphia; my ancestors come from Scotland and Ireland.

I was educated for the first few years in parochial schools of Philadelphia, where I learned the commandments, among them, "Thou shalt not bear false witness against thy neighbor."

Mr. WALTER. Who bore false witness against you? Who ever bore false witness against you?

Mrs. GROSSMAN. Nobody that I know of.

Mr. WALTER. Then why do you tell us that? We are acquainted with the commandments.

Mrs. GROSSMAN. Very good.

May I go on?

Mr. WALTER. No. Mr. Kunzig will ask you some questions.

Mrs. GROSSMAN. You wanted my educational background.

Mr. KUNZIG. Give us your educational background in brief, please.

Mrs. GROSSMAN. I attended Germantown High School—I went to public elementary schools thereafter, and went to Germantown High School; University of Pennsylvania; Columbia University; Drexel Institute.

Mr. KUNZIG. Does that finish your answer?

Mrs. GROSSMAN. That is it.

Mr. KUNZIG. And your employment background, please?

Mrs. GROSSMAN. I have been employed for 28 years by the Philadelphia school system.

Mr. KUNZIG. Where have you been employed, and in what capacities?

Mrs. GROSSMAN. For 3 years I did substitute work while I was in college, and shortly thereafter, and then I was appointed to the Vare Junior High School, where I remained for 25 years.

Mr. KUNZIG. And you were librarian at Vare Junior High School, is that correct?

Mrs. GROSSMAN. That is correct.

Mr. KUNZIG. Have you been suspended by the school authorities?

Mrs. GROSSMAN. I have, as of November 20.

Mr. KUNZIG. And for what reason?

Mrs. GROSSMAN. I am not quite clear yet, because I haven't been tried. I had some statements made about incompetence.

Mr. KUNZIG. Have you ever been a member of the Communist Party, Mrs. Grossman?

Mrs. GROSSMAN. I refuse to answer that question on the grounds of the first amendment and the fifth amendment.

Mr. KUNZIG. Have you ever been a member of a teachers union in Philadelphia?

Mrs. GROSSMAN. I am proud to be a member of the Teachers Union, it has done so much for the schools of Philadelphia.

Mr. KUNZIG. That is a union that has 150 members out of the 8,000 teachers?

Mrs. GROSSMAN. I don't know how many.

Mr. KUNZIG. It is the same union about which we have heard testimony all day yesterday and today, is that correct?

Mrs. GROSSMAN. I don't know. I have not heard any testimony yesterday.

Mr. KUNZIG. Who is the present president of that teachers union of which you are proud to be a member?

Mrs. GROSSMAN. Mr. Jennings.

Mr. KUNZIG. Who was a witness here yesterday. You, as a matter of fact, have been a president of that union, is that correct?

Mrs. GROSSMAN. That is correct.

Mr. KUNZIG. When were you president?

Mrs. GROSSMAN. I honestly don't remember.

Mr. KUNZIG. To the best of your ability and knowledge, tell us.

Mrs. GROSSMAN. Well, I remember 1940, I think; I don't know whether I was president in 1941 or not. I don't know how long before that.

Mr. KUNZIG. You were president in 1941, roughly, isn't that correct?

Mrs. GROSSMAN. I think so.

Mr. KUNZIG. Were you president of the union at the time that it was thrown out of the A. F. of L. for Communist domination?

Mrs. GROSSMAN. I honestly don't remember.

Mr. KUNZIG. Do you remember that the union was thrown out of the A. F. of L. for Communist domination—

Mrs. GROSSMAN. I remember—

Mr. KUNZIG. As was testified to by the present president yesterday?

Mrs. GROSSMAN. I wasn't here yesterday. I remember that there was some business of it being separated from the A. F. of L. I can't remember the exact reasons.

Mr. KUNZIG. I see. Well, for your information, the president of the union today, Mr. Jennings, testified here under oath yesterday that it was thrown out of the A. F. of L. for alleged Communist domination.

Mr. WALTER. Who were the officers of the union at that time?

Mrs. GROSSMAN. I don't know.

Mr. KUNZIG. I will just ask that question.

Who were the officers of the union at the time that it was thrown out of the A. F. of L.?

Mrs. GROSSMAN. I don't remember, and that is quite sincere; I don't remember.

Mr. KUNZIG. Could the following have been the officers: Herman Kaufman, vice president; Benjamin Anton, A-n-t-o-n, who resigned from the school system recently, vice president; Adolph Myerson, recording secretary; Nathan Slager, financial secretary; and Sarah T. Walsh, legislative representative.

Could they have been the officers in 1941?

Mrs. GROSSMAN. Truthfully, I couldn't answer that, because I don't remember.

Mr. SCHERER. What does the investigation show, that they were in 1941?

Mr. KUNZIG. It does, sir, yes.

Mr. SCHERER. Let the record show, then, that the committee has information to the effect that those individuals just named by Mr. Kunzig were the officers of the union at that time.

Mr. KUNZIG. How many of those names which I just read to you did you know to be members of the Communist Party?

Mrs. GROSSMAN. I refuse to answer that under the first and fifth amendments of the Constitution.

Mr. KUNZIG. As a member of the Philadelphia school system did you take the loyalty oath in 1952 required of all teachers in Pennsylvania?

Mrs. GROSSMAN. Sometime in March, toward the end of the month, in 1952.

Mr. KUNZIG. You did?

Mrs. GROSSMAN. In good faith.

Mr. KUNZIG. Were you a member of the Communist Party the day you took the oath in good faith?

Mrs. GROSSMAN. I took the oath in good faith.

Mr. KUNZIG. Were you a member of the Communist Party at that time?

Mrs. GROSSMAN. I couldn't have been and taken it in good faith.

Mr. KUNZIG. Are you answering that you were not a member of the Communist Party?

Mrs. GROSSMAN. Yes.

Mr. KUNZIG. That you were not.

Mrs. GROSSMAN. That I was not.

Mr. KUNZIG. Have you ever been a member of the Communist Party at any time since the day you took that oath?

Mrs. GROSSMAN. No.

Mr. KUNZIG. Were you a member of the Communist Party the day before you took that oath?

Mrs. GROSSMAN. I refuse to answer under the first and fifth amendments.

Mr. KUNZIG. Mrs. Grossman, you made a big point of saying that you took the oath in good faith.

Mrs. GROSSMAN. Yes.

Mr. KUNZIG. Do you want this committee to believe that in the same good faith you cannot answer a question as to whether or not you were a member of the Communist Party the day before the oath?

Mrs. GROSSMAN. I want nothing that might involve me in any way, and therefore I must answer that way in order to avoid any possible incrimination.

Mr. KUNZIG. Were you a member of the professional group of the Communist Political Association in 1944 and in 1945?

Mrs. GROSSMAN. I decline to answer under the first and fifth amendments.

Mr. KUNZIG. This committee is in possession of sworn testimony, Mrs. Grossman, that you were such a member and that in 1944 you held Communist Party card No. 78316. Did you have that card number?

Mrs. GROSSMAN. Well, I have to count three—football numbers could be pulled out of the air.

Mr. KUNZIG. Oh, but they are not, Mrs. Grossman. We have sworn testimony that your card number was 78316 in the Communist Party. It is not pulled out of the air.

Mrs. GROSSMAN. Same answer, same reason.

Mr. KUNZIG. And that in 1945 your Communist Party card number was 87608. Did you have that number in 1945?

Mrs. GROSSMAN. Same answer, same reason.

Mr. KUNZIG. Now, you are listed as an instructor of the labor and trade union in 1945 with the Philadelphia School of Social Science and Arts, which is a cited group. Were you on that faculty?

Mrs. GROSSMAN. Same answer, same reason.

Mr. KUNZIG. We have sworn testimony that you presided at meetings held in connection with this school in 1944, 1945, and 1946.

Mrs. GROSSMAN. Same answer, same reason.

Mr. KUNZIG. There is also sworn testimony that in 1945 you were a delegate to the Communist Party convention from section 8, district 3 of the Communist Party. Were you such a delegate?

Mrs. GROSSMAN. Same answer, same reason.

Mr. KUNZIG. Did you attend that convention in any capacity?

Mrs. GROSSMAN. Same answer, same reason.

Mr. KUNZIG. Now, it has been alleged and sworn to that in the past many meetings of the Communist Party have been held at your home at 2302 Delancey Street in Philadelphia. Have you ever held Communist Party meetings in your home?

Mrs. GROSSMAN. Same answer, same reason.

Mr. KUNZIG. Were you ever a member of the professional section of the Communist Party of eastern Pennsylvania and Delaware?

Mrs. GROSSMAN. Same answer and the same reason.

Mr. KUNZIG. Are you a member of the Civil Rights Congress, a cited Communist-front group?

Mrs. GROSSMAN. Same answer, same reason.

Mr. KUNZIG. That is all I have, Mr. Chairman.

Mr. SCHERER. Do you have any questions, Mr. Walter?

Mr. WALTER. No questions.

Mr. SCHERER. I have no questions. The witness is excused. Call your next witness.

Mr. KUNZIG. I call Mr. Wilbert McCabe.

Mr. SCHERER. In the testimony you are about to give before this subcommittee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. McCABE. I do.

TESTIMONY OF WILBERT RUDOLPH McCABE

Mr. KUNZIG. State your name, please.

Mr. McCABE. Wilbert Rudolph McCabe.

Mr. KUNZIG. Mr. McCabe, I see that you are not represented by counsel. Do you know your right to have a counsel before this committee?

Mr. McCABE. I am aware of that right.

Mr. KUNZIG. And you do not desire to have counsel?

Mr. McCABE. That is right.

Mr. KUNZIG. What is your present address, Mr. McCabe?

Mr. McCABE. 1026 North 43d Street, Philadelphia, Pa.

Mr. KUNZIG. Your educational background, please, sir.

Mr. McCABE. I went to the elementary schools in Philadelphia, graduated from Central High School in Philadelphia.

Mr. KUNZIG. When?

Mr. McCABE. 1931, in January. I attended the Philadelphia Normal School for 2 years and went from there to the State Teachers College at Chaney, where I received the bachelor of science degree in 1935.

Since then I have attended the University of Pennsylvania for 2 years and received a master of science degree in education.

Mr. KUNZIG. Would you give us a résumé of your employment, starting from the time that you finished your college education?

Mr. McCABE. I taught for a year in the schools of Virginia, and in 1936 I worked as a substitute in the elementary evening school, and stayed there until about 1940 or 1941.

In about 1938 I worked on the Works Progress Administration for about a year, approximately.

In 1939 I worked with the department of public assistance for a little over a year.

Mr. KUNZIG. What was your capacity when you worked for the Commonwealth of Pennsylvania in the department of public assistance?

Mr. McCABE. I was a visitor.

Mr. KUNZIG. Are you sure of those dates?

Mr. McCABE. Fairly sure; yes.

Mr. KUNZIG. What were they, to the best of your knowledge when you worked for the department of public assistance?

Mr. McCABE. From about September 1939 to the end of January 1941.

Mr. KUNZIG. Then where did you go?

Mr. McCABE. I worked for the United States Treasury Department as a customs inspector out of the port of Philadelphia.

Mr. KUNZIG. And where after that?

Mr. McCABE. I worked in the shipyard, the Sun shipyard from December 1941 until August of 1944.

Mr. KUNZIG. Is that when you went with the board of education as a teacher?

Mr. McCABE. September 1944.

Mr. KUNZIG. Where have you taught and what subjects have you taught since then?

Mr. McCABE. Well, I taught at Arnold Elementary School for about 2 years and in February 1947 I started working in the junior

high schools, working at Vaux for one term and in September 1947 I went to Salisbury, where I am now teaching.

Mr. KUNZIG. What subject or class do you teach?

Mr. McCABE. I have been teaching general education for the most part. Now I teach social studies and English.

Mr. KUNZIG. Social studies? Is that history and English?

Mr. McCABE. That is right.

Mr. KUNZIG. For what reason did you leave your employment with the department of public assistance?

Mr. McCABE. Well, I left because I was offered a job with the United States Treasury Department that paid more.

Mr. KUNZIG. Were you working for the department of public assistance at the time a group of alleged Communists were dismissed from the department, or did that come later?

Mr. McCABE. Well, I did not know that any were dismissed.

Mr. KUNZIG. Were you a member of the Communist Party when you worked for the department of public assistance?

Mr. McCABE. No, I was not.

Mr. KUNZIG. Have you ever been a member of the Communist Party?

Mr. McCABE. No, I have not.

Mr. KUNZIG. Mr. McCabe, have you ever been active in working for the National Negro Congress?

Mr. McCABE. Yes, I was.

Mr. KUNZIG. Will you tell us something about your activity with that group?

Did you know it was a Communist-led front group?

Mr. McCABE. I know it has been cited, but I was active in the congress from about 1938 and 1939. At that time it was not cited.

Mr. KUNZIG. What was your activity with the National Negro Congress?

Mr. McCABE. I was the secretary for the congress for a part of the period.

Mr. KUNZIG. What were your responsibilities in your capacity as secretary?

Mr. McCABE. To take the minutes of the meetings and help out in any way that I could with the various activities that the congress conducted.

Mr. KUNZIG. Was that in Philadelphia?

Mr. McCABE. In Philadelphia only.

Mr. KUNZIG. In Philadelphia only?

Mr. McCABE. Yes.

Mr. KUNZIG. Have you ever been connected in any way with the International Workers' Order?

Mr. McCABE. Well, in 1949, we bought a house and at that time the attorney that handled the settlement for us suggested that I ought to have a little more insurance because at that time I was not carrying very much, and I took out a policy which I carried with the International Workers' Order for about 6 months.

Mr. KUNZIG. Were you ever a member of the International Workers' Order, or was it just a connection with the insurance policy?

Mr. McCABE. Just an insurance policy.

Mr. KUNZIG. Not membership?

Mr. McCABE. No.

Mr. KUNZIG. Mr. McCabe, one other thing we would like to ask you to go into is this; would you describe in detail as to how you got this insurance you are referring to, the situation involving the International Workers' Order? Who recommended that to you?

Mr. McCABE. The attorney.

Mr. KUNZIG. Do you remember his name?

Mr. McCABE. Yes, I can tell you in a minute. Morris Shafritz.

Mr. KUNZIG. Is that in Philadelphia?

Mr. McCABE. Yes.

Mr. KUNZIG. He recommended you take out insurance with the International Workers' Order?

Mr. McCABE. That is right. He at that time knew that I did not have too much money and it was cheaper insurance.

Mr. SCHERER. Did you ask the attorney for advice concerning where you should obtain insurance?

Mr. McCABE. Well, he thought that I should—I did not ask him for advice, no, but since I was only carrying a little insurance and something might happen during the period in which I was buying the house it would be better to have the insurance.

Mr. WALTER. How long had you known this man? Had you known him for any period of time?

Mr. McCABE. No, not too well. I had been associated with him during the days I was with the Negro Congress.

Mr. WALTER. He was associated with the National Negro Congress?

Mr. McCABE. He was one of the attorneys they worked with.

Mr. WALTER. You know, of course, that the International Workers' Order is a proscribed organization? It is a Communist-front organization.

Mr. McCABE. Well, I heard that since. That is possibly one reason—

Mr. WALTER. What we are interested in knowing from you is whether or not anybody in that proscribed organization took advantage of innocent people, dupes, where they got their lists of prospective customers from the organization that you were connected with.

Mr. McCABE. I wouldn't know that.

Mr. WALTER. Do you know whether or not there were other people solicited by this same lawyer?

Mr. McCABE. No; I wouldn't.

Mr. WALTER. What was his name again?

Mr. McCABE. Morris Shafritz.

Mr. WALTER. Where is his office?

Mr. McCABE. He was in the City Center Building on North Broad Street.

Mr. WALTER. Was he an officer in the International Workers' Order Insurance Co.?

Mr. McCABE. I think he might have been. He is now deceased.

Mr. WALTER. But you don't know whether or not that group took the lists of members of the organization that you were active in in order to solicit business for this Communist insurance company?

Mr. McCABE. I wouldn't have any way of knowing that.

Mr. WALTER. That is all I have.

Mr. KUNZIG. The date you took this insurance and you did this was when, 1949, did you say?

Mr. McCABE. It was about 1950, about the 15th of January, somewhere around there.

Mr. KUNZIG. Attorney General Francis Biddle listed this as early as 1942 as one of the strongest Communist organizations, and Attorney General Tom Clark listed it on his list of subversive groups in 1947.

We are interested, since this was quite a period prior to the time you took the insurance, in whether you could give us any further information as to the workings of this group or in any way how you came to take the insurance? That is the sum total of your information?

Mr. McCABE. That is the sum total of my information.

Mr. SCHERER. Do you still have your policy?

Mr. McCABE. No, I only kept it up until about June.

Mr. SCHERER. Do you still have the policy itself, whether it is in force and effect or not?

Mr. McCABE. No, the policy would not be in force.

Mr. SCHERER. I know it isn't in force and effect, but do you have possession of the actual policy that was issued, the piece of paper?

Mr. McCABE. I might have, I don't know.

Mr. WALTER. If you have that piece of paper, will you mail it to us, please?

Mr. McCABE. Yes.

Mr. WALTER. That is all I have.

Mr. SCHERER. Are there any more questions, Mr. Kunzig?

Mr. KUNZIG. No further questions.

Mr. SCHERER. The witness is excused.

Mr. KUNZIG. I call Sarah T. Crome.

Mr. SCHERER. Do you solemnly swear that the testimony you are about to give at this hearing shall be the truth, the whole truth and nothing but the truth, so help you God?

Mrs. CROME. I do.

TESTIMONY OF SARAH T. CROME, ACCOMPANIED BY HER COUNSEL, A. HARRY LEVITAN

Mr. KUNZIG. Would you give your full name, please?

Mrs. CROME. Sarah Crome.

Mr. KUNZIG. Is that Mrs. Crome?

Mrs. CROME. Yes.

Mr. KUNZIG. Would you state your full name, please, sir?

Mr. LEVITAN. A. Harry Levitan, 1412 Fox Building, Philadelphia 3, Pa.

Mr. KUNZIG. You are Mrs. Crome's counsel?

Mr. LEVITAN. Yes.

Mr. KUNZIG. What is your present address, Mrs. Crome?

Mrs. CROME. Croydon, 49th and Locust Streets, Philadelphia.

Mr. KUNZIG. It is very difficult to hear you. Did you say Croydon?

Mrs. CROME. Yes.

Mr. KUNZIG. And where?

Mrs. CROME. 49th and Locust Streets, Philadelphia.

Mr. KUNZIG. What is your educational background, please, Mrs. Crome?

Mrs. CROME. I was educated in the Philadelphia public schools and attended the Philadelphia High School for Girls, and then the University of Pennsylvania, where I was graduated.

Mr. KUNZIG. What year did you graduate from the University of Pennsylvania?

Mrs. CROME. 1932.

Mr. KUNZIG. Would you tell us of your employment background?

Mrs. CROME. I came to the board of public education first as an attendance officer and then after taking an examination was assigned as a mathematics teacher at the Shore Junior High School where I was rated satisfactory, and then given an appointment to teach mathematics at the Lincoln High School in Philadelphia.

Mr. KUNZIG. What do you teach now?

Mrs. CROME. I am presently employed in teaching at the Abraham Lincoln High School in Philadelphia.

Mr. KUNZIG. What is your maiden name, Mrs. Crome?

Mrs. CROME. Tulchinsky.

Mr. KUNZIG. Have you ever used any other names besides Tulchinsky, Mrs. Crome?

Mrs. CROME. I decline to answer that question and invoke the privilege of the fifth amendment in so doing.

Mr. KUNZIG. You mean that to answer a question as to whether or not you used any aliases of any kind would tend to incriminate you?

Mrs. CROME. It might possibly tend to incriminate me.

Mr. KUNZIG. Have you ever used the name Tillen?

Mrs. CROME. I decline to answer that question on the grounds of the fifth amendment.

Mr. KUNZIG. Have you ever used the name Toland?

Mrs. CROME. I invoke my privileges under the fifth amendment in refusing to answer that question.

Mr. KUNZIG. Have you ever used the name Tullen?

Mrs. CROME. Same answer, same reason.

Mr. KUNZIG. Did you ever work for the department of public assistance?

Mrs. CROME. It is a matter of public record that I worked at the department of public assistance.

Mr. KUNZIG. And isn't it a fact that you were dismissed from the department of public assistance back in 1941?

Mrs. CROME. I respectfully decline to answer that question, invoking my privilege under the fifth amendment.

Mr. KUNZIG. Well now, I will hand you a copy of a newspaper story, which lists, under a photograph of various employees of the department of public assistance, a list of the dismissed workers, dismissed by the county board of public assistance, and on this list is Mrs. Sarah Crome of 4935 North 16th Street.

Let me ask you first did you ever live at 4935 North 16th Street?

Mrs. CROME. I lived up in that area. I am sorry it has been a good number of years, and I do not recall the exact address.

Mr. KUNZIG. I will hand you this document and ask you are you the Mrs. Crome referred to there, listed there as having been dismissed by the Philadelphia Board of County Assistance on subversive charges?

Mrs. CROME. I invoke my privilege under the fifth amendment to decline to answer that question.

Mr. KUNZIG. We have sworn testimony, Mrs. Crome, that you were a member of the Communist Party in January 1942. Have you ever been a member of the Communist Party?

Mrs. CROME. Gentlemen, the Constitution of the United States, which I revere, guarantees me the right of free speech, free opinion, free association, and I consider it an infringement of my rights under the Constitution to ask questions about my associations or opinions.

Mr. WALTER. One thing it does not guarantee, and you are probably under the misapprehension, and that is participation in any conspiracy to overthrow the Government of the United States. That is not guaranteed. That doesn't come within the provisions with respect to freedom of speech.

Mrs. CROME. Are you accusing me of a crime, sir?

If so, I would like the guarantees provided in a court procedure. You are placing me in that position without giving me those guarantees.

Mr. WALTER. Well, I am certainly very sorry if I have. Are you a member of the Communist Party?

Mrs. CROME. I am not a member.

Mr. WALTER. Have you ever been a member of the Communist Party?

Mrs. CROME. I decline to answer that question on the grounds of the first and fifth amendments, as I have previously stated.

Mr. KUNZIG. Did you take the Pennsylvania loyalty oath?

Mrs. CROME. I did.

Mr. KUNZIG. Were you a member of the Communist Party when you took that oath?

Mrs. CROME. I was not.

Mr. KUNZIG. Were you a member of the Communist Party the day before you took that oath?

Mrs. CROME. I decline to answer that question on the grounds of the first and fifth amendments. I feel it is an infringement of my rights as an American.

Mr. KUNZIG. Did you resign from the Communist Party the day before you took the oath so that you would not be prosecuted?

Mrs. CROME. I decline to answer that question for the same reasons that I have stated.

Mr. KUNZIG. Have you attended any Communist Party meetings since you took the oath?

Mrs. CROME. I don't know what you call Communist meetings, sir, and therefore I decline to answer that question, using the privilege of the fifth amendment.

Mr. KUNZIG. Have you ever taught in a Philadelphia School of Social Sciences and Arts at 1704 Walnut Street?

Mrs. CROME. I decline to answer that question, invoking the privilege of the fifth amendment.

Mr. SCHERER. Is that a cited organization?

Mr. KUNZIG. Yes, sir; this was cited as an adjunct to the Communist Party by Attorney General Tom Clark in 1947.

Mrs. CROME. I understand that the Supreme Court said that the Attorney General has no right to list organizations unless those organizations have been heard.

Mr. WALTER. In what case was that decision?

Mrs. CROME. I cannot cite the case. May I ask my attorney?

Mr. WALTER. Yes.

(At this point Mrs. Crome conferred with Mr. Levitan.)

Mrs. CROME. Joint Anti-Fascist Committee against McGrath (341 U.S.). I am sorry, I am not familiar with the legal names involved.

Mr. KUNZIG. Since you say that the Attorney General has no right to list these groups, then why don't you testify now freely and honestly whether you ever taught at that school.

Mrs. CROME. The situation is such and the hysteria is such that any answer I may give to any such question may possibly tend to incriminate me, and I feel it is an infringement upon my right to answer any such question.

Mr. KUNZIG. It is not hysteria to ask you a simple question as to whether you have ever been a member of the Communist Party, and it is not hysteria to ask a question as to whether you have lived under aliases. You are a school teacher in the city of Philadelphia. Have you ever used the false names, different names than the name you went under as a teacher?

Mrs. CROME. I am a loyal American citizen. I feel I am a competent school teacher. I have been rated satisfactory. I have been told by my superiors that my work is satisfactory. My relationship with my students has been satisfactory, as well as other personnel in the school. I feel I have carried through my responsibility well and adequately and that is where my obligation lies.

Mr. KUNZIG. Do your superiors know that you lived under aliases.

Mrs. CROME. I decline to answer that question, invoking the privilege of the fifth amendment.

Mr. KUNZIG. Do your students and fellow teachers know that you lived under aliases?

Mrs. CROME. I decline to answer that question, invoking the privilege of the fifth amendment.

Mr. SCHERER. Where were you born?

Mrs. CROME. I was born in Czarist Russia and came here or was brought here at the age of 1 year, I should say. I might say at this point in reference to Representative Walter's previous comment, that I certainly did not like to hear that because my parents left Czarist Russia to get away from religious, political, and economic oppression and persecution. They came here to find freedom, and they have told me stories of experiences and what they saw, what they heard, and what they experienced, and they taught me to revere freedom and liberty such as is guaranteed under our Constitution, and I would certainly resent any reflection upon them or upon the entire group.

Mr. WALTER. What I said was not intended to be a reflection upon your parents, and as I stated at that time it was not intended to be a reflection upon any of the millions of fine people from all over the world that have made this Republic of ours as strong as it is; and I am sure that those kinds of people resent what you are doing here just as much as I do.

Mrs. CROME. I believe those kinds of people as well as——

Mr. WALTER. That is all, Mr. Chairman.

Mr. KUNZIG. No further questions.

Mr. SCHERER. The witness is excused.

Mr. KUNZIG. I call Mrs. Fulchon.

(Representative Gordon H. Scherer left the hearing room at this point.)

Mr. WALTER. Will you raise your right hand? Do you solemnly swear that the testimony you will give before this subcommittee will be the truth, the whole truth and nothing but the truth, so help you God?

Mrs. FULCHON. I do.

TESTIMONY OF CELESTINE FULCHON

Mr. KUNZIG. Would you state your full name, please, Mrs. Fulchon?

Mrs. FULCHON. I would be happy to state my full name.

Mr. KUNZIG. Will you please do it.

Mr. FULCHON. I am very proud of my family background.

Mr. WALTER. I am sure you are.

Mrs. FULCHON. I am one of the Potts of Pennsylvania. My name is Celestine Fulchon.

Mr. KUNZIG. Is that Miss or Mrs.?

Mrs. FULCHON. Mrs.

Mr. KUNZIG. What is your present address?

Mrs. FULCHON. 4859 Chestnut Street, Philadelphia, Pa.

Mr. KUNZIG. I note that you are not accompanied by counsel.

Mrs. FULCHON. That is correct.

Mr. KUNZIG. Do you know your rights to have counsel?

Mrs. FULCHON. I do.

Mr. KUNZIG. Do you now desire to testify without counsel?

Mrs. FULCHON. That is correct.

Mr. KUNZIG. What is your educational background, Mrs. Fulchon?

Mrs. FULCHON. I was educated in the public schools of Philadelphia and attended West Philadelphia High School and Philadelphia Normal School, and the University of Pennsylvania.

Mr. KUNZIG. Did you graduate from the University of Pennsylvania?

Mrs. FULCHON. No, I took courses there.

Mr. KUNZIG. When did you graduate from normal school?

Mrs. FULCHON. In 1922.

Mr. KUNZIG. Where have you taught in the public schools of Philadelphia?

Mrs. FULCHON. I have taught in the Martha Washington, and at present I am teaching at the Charles Richard Drew School.

Mr. KUNZIG. Have you ever been a member of the Communist Party, Mrs. Fulchon?

Mrs. FULCHON. I have not.

Mr. KUNZIG. What were your activities with the National Negro Congress, Mrs. Fulchon?

Mrs. FULCHON. I cannot give you the exact dates, but you can date this when President Roosevelt declared we were the arsenal of democracy. It is true in Philadelphia there were no Negroes working in labor industry and when the National Negro Congress started a jobs campaign, I worked on the jobs campaign to get Negroes into industry in Philadelphia.

I also taught first aid in the National Negro Congress.

Mr. KUNZIG. Do you have any idea what period of time that was?

Mrs. FULCHON. No, I worked until the President issued his Executive order that if you took Government money you could not discriminate.

There was no need after that for a jobs campaign.

Mr. KUNZIG. You don't know the period of time that you were associated with the National Negro Congress?

Mrs. FULCHON. No, I don't know the exact time. When he issued the order, that is when. It was during the war.

Mr. WALTER. We believe that the balance of the information we seek from you should be obtained in executive session. If you don't mind coming to the office of Mr. Kunzig this afternoon, we would appreciate it.

Mrs. FULCHON. At what time and where?

Mr. WALTER. It is in room 226 in this building, one floor below this room, at 2 o'clock this afternoon. Would that be convenient?

Mrs. FULCHON. I will still be here.

Mr. WALTER. Thank you very much.

Mr. KUNZIG. I call Mrs. Mahaney.

Mr. WALTER. Do you solemnly swear that you will tell the truth, the whole truth and nothing but the truth, so help you God?

Mrs. MAHANEY. I do.

TESTIMONY OF ADELINE L. MAHANEY, ACCOMPANIED BY HER COUNSEL, A. HARRY LEVITAN

Mr. KUNZIG. State your full name, please.

Mrs. MAHANEY. Mrs. Adeline L. Mahaney.

Mr. KUNZIG. Would counsel please state his name.

Mr. LEVITAN. A. Harry Levitan, 1412 Fox Building, Philadelphia 3, Pa.

Mr. KUNZIG. Mrs. Mahaney, would you give us your present address?

Mrs. MAHANEY. Mr. Kunzig, I think it is a matter of record, but I would rather not have it in the newspapers, because people who have given their addresses have received threats and I have a 78-year-old mother whom I don't want to subject to any such threats.

Mr. WALTER. It is in the record.

Mr. KUNZIG. What is your educational background?

Mrs. MAHANEY. I went to Frankford High School, where your father taught. I went to the same Presbyterian church and Sunday school as you did.

Mr. KUNZIG. Just answer the question. I know all these facts very well.

Mrs. MAHANEY. I graduated with a scholarship from the University of Pennsylvania and I graduated from the University of Pennsylvania cum laude with a membership in Pi Lambda Theta.

Mr. KUNZIG. What has been your employment background?

Mrs. MAHANEY. I was employed 1 year in Myrna, Del. in the high school there and then my mother was there and I came home and I studied for the Philadelphia teachers' examination. I passed No. 1 on the list and was appointed to Theodore Roosevelt Junior High School, and have been there ever since.

Mr. KUNZIG. What do you teach there?

Mrs. MAHANEY. French.

Mr. KUNZIG. To get the record straight, you are the former wife of the witness who was before this committee yesterday?

Mrs. MAHANEY. That was stated in the paper yesterday.

Mr. KUNZIG. Is that correct? Just answer my question.

Mrs. MAHANEY. Could I ask you this, please?

Mr. KUNZIG. I am asking, please.

Mrs. MAHANEY. It has been——

Mr. KUNZIG. I am asking the questions, please.

Mr. Chairman, I will ask the witness to please stop making speeches.

Mr. WALTER. Yes.

Mrs. MAHANEY. I want to know why my name was in the paper when the Velde committee said that they would not publish in advance the names of witnesses.

Mr. KUNZIG. I shall now ask you: Have you ever been a member of the Communist Party?

Mrs. MAHANEY. And I shall be very glad to tell you what I am going to tell you.

In 1946, to the best of my knowledge, I went to a meeting. It was an open meeting, anybody went. The doors were open. There was nothing secret about it. It was not a meeting of the Communist Party. It was a meeting of the political association.

Mr. KUNZIG. Meeting of what, the Communist Political Association?

Mrs. MAHANEY. That is right.

Mr. KUNZIG. So you are saying now that you did attend a meeting of the Communist Political Association?

Mrs. MAHANEY. Yes.

Mr. KUNZIG. I am asking you whether you ever have been a member of the Communist Party.

Mrs. MAHANEY. To go on from there, I attended maybe a very few meetings.

Mr. KUNZIG. A very few meetings?

Mrs. MAHANEY. Yes. I became involved in personal problems and I ceased to go to the meetings.

Mr. KUNZIG. I will ask you the question again, Have you ever been a member of the Communist Party?

Mrs. MAHANEY. I suppose if you would consider that being a member of the Communist Political Association——

Mr. KUNZIG. And in what years were these?

Mrs. MAHANEY. This was in 1946, to the best of my knowledge.

Mr. KUNZIG. Isn't it about that time that the Communist Political Association turned again to the Communist Party?

Mrs. MAHANEY. Turned again?

Mr. KUNZIG. The Communist Political Association, it became again the Communist Party. Whatever it was, you went to the meeting.

Mrs. MAHANEY. I believe there was a change of names, yes.

Mr. KUNZIG. Did you ever have a membership book in the party, the Communist Party?

Mrs. MAHANEY. Never to my knowledge, I never had such a book.

Mr. KUNZIG. Do you know that you were listed as a member of the North Philadelphia group of section 8 of the Communist Party?

Mrs. MAHANEY. I did not know anything about any sections, or anything.

Mr. KUNZIG. Mrs. Mahaney, isn't it a fact that you attended meetings at the home of the Foxes, Mr. and Mrs. Fox?

Mrs. MAHANEY. Mr. Kunzig, I feel that I cannot talk about anybody else. I think it is un-American to mention anybody's name at all.

Mr. KUNZIG. Well now, you have said that you were attending these meetings and that you were a member of the party. I am now asking you who else you knew to be members of the party. I am asking you whether you knew that Mr. Sidney Fox and Mrs. Geneive Fox were members of the Communist Party?

Mrs. MAHANEY. I said that I would not talk about anybody else but myself. I will talk about myself.

Mr. KUNZIG. Do you know Adele Margolis?

Mrs. MAHANEY. Do I know her?

Mr. KUNZIG. Yes; that is my question.

Mrs. MAHANEY. I know an Adele Margolis. I know who she is.

Mr. KUNZIG. Do you know Adele Margolis to be a member of the Communist Party?

Mrs. MAHANEY. I did not.

Mr. KUNZIG. You did not? Is that your answer?

Mrs. MAHANEY. That is correct.

Mr. KUNZIG. What other members of the Communist Party attended meetings with you?

Mrs. MAHANEY. Mr. Kunzig, I have already said that I think it is wrong for anybody to become a common informer.

Mr. WALTER. Informer, is that the word you used?

Mrs. MAHANEY. That is right.

Mr. WALTER. What do you mean by that?

Mrs. MAHANEY. I mean telling on other people who had been doing something, if somebody ever had attended a meeting. At the meeting there was never any talk of overthrowing of government or conspiracy or violence or anything of that sort.

Mr. WALTER. Who invited you to attend your first meeting? How did you happen to go to it?

Mrs. MAHANEY. I have already said, Mr. Walter, that I will not talk about other people.

Mr. KUNZIG. Mr. Chairman, I respectfully request that the witness be directed to answer the question as to what other members of the Communist Party she knew during her period of membership.

Mr. WALTER. I won't direct the witness to answer the question. I think that is just a lot of talk. What difference does it make whether she is directed to answer a question or is asked a question and doesn't answer it? It means nothing. She refuses to answer the question.

Do you refuse to answer that question?

Mrs. MAHANEY. I have already said that I would not.

Mr. WALTER. Will you repeat the question, Mr. Kunzig?

Mr. KUNZIG. I will repeat the question. Would you please name the other members of the Communist Party whom you knew attending the meeting with you to be members of the Party?

Mrs. MAHANEY. Mr. Kunzig, I tell my children in school not to tell on other children unless there is a question involved—

Mr. WALTER. That is not responsive.

Mrs. MAHANEY. Unless there is a question involving something which is wrong for the whole situation, criminally involved.

Mr. KUNZIG. And you do not think it is wrong to be a member of the Communist Party; do you?

Mrs. MAHANEY. I do that.

Mr. KUNZIG. You did not think it was wrong when you were a member?

Mrs. MAHANEY. There is nothing wrong about it. That was an open meeting.

Mr. KUNZIG. This was in 1946.

Mrs. MAHANEY. We had just finished a war where our ally was Russia.

Mr. WALTER. Let us not go into all this. We understand that. Answer the question.

Mrs. MAHANEY. I beg your pardon. Will you repeat the question?

Mr. WALTER. Answer the question.

Mrs. MAHANEY. Do I think it is wrong?

Mr. WALTER. No. Answer the question as to who attended these meetings.

Mrs. MAHANEY. I said I would not answer that.

Mr. WALTER. Go ahead, Mr. Kunzig.

Mrs. MAHANEY. I would like to state for the record that my ancestors came from England and Scotland. There was a little French thrown in there, and they have been in this country for hundreds of years.

Mr. WALTER. All this was prompted by what I said. The next thing you know somebody will charge me with being anti-Russian.

Mr. KUNZIG. No further questions, Mr. Chairman.

Mr. WALTER. The committee stands adjourned.

(Whereupon, at 12:32 p. m., the hearing was adjourned.)

INDEX

INDIVIDUALS

	Page
Anton, Benjamin	3996
August, Bernard	3976, 3987-3990 (testimony)
Biddle, Francis	4001
Childs, Lucille Tommy	3981
Clark, Tom	4001, 4003
Crome, Sarah T	3986, 4001-4005 (testimony)
Dorfman, Philip	3991-3994
Dubin, Harry	3978, 3979
Fleet, Eleanor	3981
Fox, Geneive	4007, 4008
Fox, Sidney	4007, 4008
Fulchon, Celestine	4005-4005 (testimony)
Funn, Dorothy	3991
Gaylbud, Helen	3981
Geislman, Paul	3988
Grossman, Mary Foley	3993, 3994-3997 (testimony)
Holmes, Ollie	3981
Hover, Dr	3988
Intille, Angelina	3981
Jacobs, Leonora, C	3973-3976 (testimony)
Jennings	3989, 3995
Jones, Claudia	3980
Kaufman, Herman	3996
Labovitz, Sherman	3983
Leviton, A. Harry	3973-3990, 3994-3997, 4001-4009
Mahaney, Adeline L	4006-4009 (testimony)
Margolis, Adele	4008
McCabe, William Rudolph	3997, 3998-4001 (testimony)
Myerson, Adolph	3996
Pechan	3985, 3986
President Roosevelt	4005
Rosenberg, Ethel	3981, 3982
Rosenberg, Julius	3981, 3982
Schneiderman, Minnie Jessie	3981
Shafritz, Morris	4000
Slager, Nathan	3996
Soler, Esther	3981
Stensky, Bessie	3976-3987 (testimony)
Tillem, Sarah. (See Crome, Sarah T.)	
Toland, Sarah. (See Crome, Sarah T.)	
Tulchinsky, Sarah. (See Crome, Sarah T.)	
Tullen, Sarah. (See Crome, Sarah T.)	
Walsh, Sarah T	3996
Watson, Goldie E	3976, 3990, 3991-3994 (testimony)
Williamson, John	3981

ORGANIZATIONS

Abraham Lincoln High School, Philadelphia	4002
American Federation of Labor	3990, 3995
Arnold Elementary School, Philadelphia	3998
Branch 8-A of section 8 of the Communist Party of eastern Pennsylvania and Delaware	3974

	Page
Charles Richard Drew School, Philadelphia.....	4005
City of Philadelphia, Department of Public Assistance.....	3983
Civil Rights Congress.....	3980, 9381, 3997
Columbia University.....	3994
Communist Party.....	3974, 3975, 3978-3981, 3983, 3986, 3988, 3989, 3991-3993, 3995-3997, 3999, 4002, 4003, 4005, 4007, 4008.
Communist Party of eastern Pennsylvania and Delaware.....	3997
Communist Party of Philadelphia.....	3977, 3982
Communist Political Association.....	3997, 4007
Congress of Industrial Organizations.....	3990
Department of Public Assistance, Pennsylvania.....	3977
Drexel Institute.....	3994
Freedom Crusade.....	3981
Germantown section, old section 10, district 3 of the Communist Party..	3981
Gratz High School (Philadelphia).....	3987
International Workers' Order.....	3999, 4000
In-town group of section 8 of the Communist Party (Philadelphia).....	3975
Joint Anti-Fascist Refugee Committee.....	4004
Logan-Olney section of the Communist Party of the Sixth Congressional District of eastern Pennsylvania.....	3983
Martha Washington Public School (Philadelphia).....	3991, 4005
National Negro Congress.....	3992, 3999, 4005, 4006
Northeast Club of the Communist Party, Philadelphia.....	3988
North Philadelphia Branch of the Communist Party.....	3989
Olney High School in Philadelphia.....	3987
Philadelphia Association for Retarded Children.....	3978
Philadelphia Board of Education.....	3974, 3984
Philadelphia Board of County Assistance.....	4002
Philadelphia Committee to Secure Justice for the Rosenbergs.....	3981-3983
Philadelphia Council of American-Soviet Friendship.....	3981
Philadelphia Council of Arts, Sciences, and Professions.....	3981
Philadelphia Normal School.....	3976, 3991, 3998, 4005
Philadelphia School of Social Science and Arts.....	3997, 4003
Shore Junior High School (Philadelphia).....	4002
South Philadelphia High Schools for Girls (Philadelphia).....	3974
State Teachers College, Chaney.....	3998
Sun Shipyard.....	3998
Teachers Union.....	3995
Teachers Union of Philadelphia.....	3989
Temple University.....	3976
Theodore Roosevelt Junior High School.....	4006
Tom Paine School.....	3988
United States Immigration and Naturalization Service.....	3980
United States Treasury Department.....	3998, 3999
University of Pennsylvania.....	3973, 3974, 3987, 3991, 3994, 3998, 4001, 4002, 4005, 4006
University of Southern California.....	3976
Vare Junior High School, Philadelphia.....	3994
Vaux School (Philadelphia).....	3999
Works Progress Administration.....	3976, 3998

